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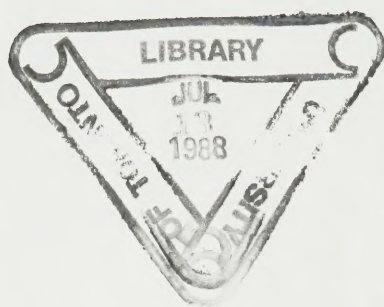








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CANADIAN MISSION TO THE UNITED NATIONS

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PRESS RELEASE No. 26

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HUMAN ENVIRONMENT

Text of Statement to be made in the  
Second Committee on Agenda Item 21  
by the Canadian Representative, Mr.  
B. Rankin, November 12, 1969

When the Canadian Delegation spoke during the debate on this item at the 23rd session of the General Assembly, we emphasized the need for the U.N. Family to undertake specific action of a cooperative nature in order to preserve, protect and facilitate the management of natural resources and to correct some of the most pressing problems resulting from a rapid expansion of technology and the urbanization of our societies. We do not propose to repeat here the comments we made at that time, nor to catalogue the problems which we feel demand early international action if they are to be successfully resolved.

We would like, in the context of this year's debate, to put forward some specific suggestions on measures which the international community might take in approaching these environmental problems. My delegation hopes that these remarks will assist the preparatory committee, which this assembly has been asked to establish, in providing guidance for the 1972 United Nations Conference on Human Environment.

We have before us a brief note prepared by the Secretary-General in which he examines the implications of the draft resolution recommended to the Assembly by the Economic and Social Council. We have also had an opportunity





to examine the Secretary-General's admirable Report, in Document E/4667, which was considered by the Economic and Social Council at its 47th session in Geneva last July.

I think it would be helpful at this stage to examine the method by which the 1972 conference can best achieve its aim of focusing the attention of governments and public opinion on the urgency and importance of the problem of our deteriorating human environment. It has been agreed that the conference should not get involved in narrow technical discussions but address itself to broad topics of interdisciplinary concern. In other words, the conference should concentrate on problems requiring action and management by public authorities, national and international.

It is also generally agreed that the Conference should be short - only ten working days - and that it should serve to encourage governments and international organizations to work together with some sense of urgency to protect and improve the human environment and prevent its further impairment. As the delegate from Iran said on Monday, we must mobilize the conscience of the world. Given these aims and only ten days in which to achieve them, obviously the structure and content of the Conference must be such that it cannot only accomplish the maximum amount in the shortest possible time but it must also be designed to have maximum impact, not only on those attending, but also on broad public opinion throughout the world. The structure of the Conference may be critical to its success, and its success may in turn be critical to achieving an improvement in the human environment.

The success or failure of this conference will depend in large part on the way in which the Preparatory Committee performs its tasks. Representatives on the Committee should, in our view, be representatives of their governments





chosen for their particular ability to deal with the wide variety of subjects which will be of concern to the conference. They cannot be expected to be experts on all aspects of the question. It is better therefore that they provide the continuity so necessary for effective organization and rely for expertise on specialists from their countries serving as advisers.

I would think that among the factors used by governments as criteria for selecting experts should be knowledge of population problems, of general land conditions, of problems of fresh and salt water pollution, of industrialization and urbanization and of unsettled climatic conditions which give rise to floods, droughts and meteorological problems. It is important that there be people with familiarity in tropical soil conditions, in desert soil technology, in arctic and sub-arctic soil problems. Knowledge of the problems of the fishing industry which are of world-wide significance is also important if this committee is to be capable of performing the tasks before it.

The question of expertise is one which should be carefully considered in relation to the actual structure of the conference. The Secretary-General has suggested the conference should allocate its work to a number of commissions and this suggestion is a sound one. However, in order to ensure that within the very short time the conference is in session it will be able to carry out its rather gigantic task, it is vital and essential that the preparatory committee should avail itself of the expert services of conference design consultants available outside the U.N. structure. The cost of such consultants will be minuscule in comparison with the advantages of professional experienced advice in this central area of communication.

Let us also look very carefully at the financial implications for this conference. At the present time, most members of this Assembly are on record as





to their grave concern over the lack of funds available for economic and social development. It should at the outset, therefore, be made clear that the proposed conference, if it is to result as we hope it will, in specific guidelines for international action, will be intended to make a significant contribution to economic and social development. We have found in Canadian experience that neglect of the environment is much more costly in the long run than is the early taking of remedial and preventive measures to prevent the despoilation of natural resources. The conference can play a very useful role in defining the prospects and technologies available for taking preventive action. It can be of immense value if it concludes with a clear and concise statement on the need for, and action required by, public authorities at the local, national, regional and international levels, to deal with the problems of planning, management and control of the human environment. If it does this, then money spent on the conference will be very well spent indeed.

We should obviously also prepare for the conference in such a way that the greatest benefits will be achieved for the least cost. Over the course of the past several years, there have been a number of conferences on a national, regional and international level, concerned with various aspects of environmental problems. Water pollution has been examined in a North American context, in a European context, in specific seminars or conferences devoted to these problems. A conference on the biosphere was held in Paris. A conference of governmental experts on environmental problems is scheduled to be held in Czechoslovakia in 1971. A number of organizations have undertaken studies related to environmental problems. The Organization for Economic Co-operation and Development is closely engaged in studies of this kind.





My delegation has a number of specific proposals to make on how this existing experience might be utilized.

First, we should ensure that in preparing for the United Nations Conference of the Human Environment, full use is made of the proceedings and conclusions of other organizations and conferences which have taken place in the recent past, where the focus has been of direct relevance to the problems which will be before the 1972 conference. Full account should therefore be taken of the proceedings and findings of all these related conferences.

Secondly, published proceedings from such sources could conceivably form a substantial part of the documentation for the 1972 conference, and I would suggest that the preparatory committee look carefully into this question since in this way time, money and effort can be saved.

Thirdly, careful consideration should be given to inviting representatives from these related organizations or conferences to work with the preparatory committee and attend the 1972 conference and to present papers reporting on their work. The effective presentation of such information by respected experts may form one of the most important elements of the conference.

Fourthly, the proceedings of these groups may offer a readily available source of questions for discussion, and may isolate specific areas where recommendations for international action can be made by the U.N. conference.

Fifthly, my delegation feels that once the preparatory committee has surveyed the available material which has been produced by these other bodies, it should encourage the preparation of discussion papers, including specific proposals, on areas where gaps exist in the coverage of the relevant problems.





Sixthly, we urge that the preparatory committee engage expert assistance in the form of design consultants who will assist in structuring the 1972 conference in such a way that its deliberations will be most fruitful.

The preparatory committee must in its organizational work distinguish carefully the objectives of the conference. We are agreed that it should result in guidelines and action programmes. It is important therefore that the specific areas of such programmes should be spelled out. For example, to combat specific environmental problems, it may be necessary to make recommendations in regard to legislation, in regard to requirements for scientific knowledge, for research into specific problems, for new methods of management, or means of implementation. The preparatory committee should ensure that its preparations will permit guidelines that are specific and precise, and perhaps also draw up draft recommendations and declarations.

With regard to the scope of the conference, an early attempt should be made to identify no more than perhaps ten or twelve major problems of the environment which are common in one degree or another to mankind. Once selected, these priority areas could be the subject of expert papers submitted by the specialists of the countries most directly concerned with them. Once these papers were received by the Secretariat, an analysis of common points and delineation of particular problems, and courses of action could be prepared, channels of co-operation could be investigated and solid position papers prepared for the deliberation of the conference. Here again the effective presentation of these papers in such a way that they will have maximum public impact - perhaps through television coverage - may be important to the success of the conference.



The preparatory committee might usefully refer specific problems to specific United Nations bodies and agencies who could also prepare concise reports on carefully formulated questions and make recommendations for action. Consideration might also be given to inviting specific U.N. agencies to attend the conference as full participants in order to benefit from the comparative experience which some of these agencies have acquired as a result of their activities in various parts of the world.

It would seem that the major problems to be discussed are in fact related to two primary problems: population and technology. A superabundance or a deficiency of one or the other would seem to be behind most of the problems relating to food, urbanization, health, shelter and pollution. Attention to the basic interaction of these concepts by the preparatory committee at an early stage of its deliberations will help bring about a successful conference which can achieve its concrete objectives.

It is obvious that, even with the best efforts, action at the national level will not be able to deal adequately with the existing problems. Many of them are, however, amenable to international action. Specific guidelines are needed which would set out the rights of States to a sound environment and the obligations which States have to ensure that they do not contribute to the destruction of that environment. It is possible that a set of principles can be devised which could be adjudicated and that penalties be prescribed for failure to abide by those principles. A significant increase in the available knowledge of the causes, degrees and effects of international pollution is also required. Procedures need





to be established whereby appropriate international machinery will be established and empowered to propose, prepare and execute common co-operative plans of action. The requirement is for a regulatory process which would actively encourage programmes of preventive pollution control, and for a process of adjudication which will determine responsibilities and assess damages.

The creation of such regulatory and adjudicatory procedures is an **integral** part of the long-term development of the environment. The question is one which demands new national policies and a recognition that there must be increasing national responsibility to the international community in order to preserve, protect and effectively manage the environment.





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UNRWA

Text of Statement to be given in the  
Special Political Committee on Agenda  
Item 36 by the Canadian representative,  
Mr. R. Perrault, December 2, 1969.

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Mr. Chairman,

The Canadian Government has consistently adopted the position that the Palestinian refugee problem can be solved only as part of an overall settlement to the Arab - Israeli dispute. Unfortunately more than two years have now passed since the adoption by the Security Council of Resolution 242 and there is still no settlement in sight. Canada supported this resolution, and continues to support it, because its implementation offers the best available prospect for achieving a just and lasting peace in the Middle East, in that it imposes an equitable balance of obligations on all the parties to the dispute. It is with deep regret that we note that the parties have been unable to agree among themselves to implement the resolution. On the contrary, the level of violence and of military activity in the Mideast has greatly increased during the past two years. This has only added to the suffering endured by the hard-trying peoples of the area.

In the absence of a peaceful settlement, the Canadian Government believes that the member states of the UN have an abiding obligation to help relieve this human suffering. It is for this reason that Canada has provided substantial financial support to UNRWA over the years and is now the third largest contributor to the UNRWA



budget. While the Canadian Government knows that the humanitarian work of UNRWA cannot solve the Palestinian refugee problem, we maintain that without the dedicated and tireless efforts of the Commissioner-General of UNRWA and his staff, and the financial support of those governments who contribute to its operations, the situation of the refugees would be far worse.

The Canadian Delegation is particularly disturbed by the dire financial straits in which the agency now finds itself. In his report the Commissioner-General has made very clear the critical prospects for the agencies work if the existing gap between income and essential expenditures is not filled. These prospects include a reduction in the basic services which only the agency is in a position to supply for hundreds of thousands of refugees. We therefore urge all member states to do what they can to help relieve the agencies critical financial situation.

The Canadian Delegation has serious reservations about suggestions that part of UNRWAS expenses might be transferred to the assessed budget of the UN. We do not believe that such a transfer could produce the results sought; it might even have the opposite effect. We would prefer to hope that member states not now contributing to UNRWA might see their way to doing so, and that those already contributing will continue to meet the obligations they have assumed.

This Committee is not, of course, in a position to produce solutions to the Arab - Israeli dispute, and none of us here expect it to do so. However, this does not mean we have the right to shirk our responsibility to help mitigate the suffering engendered by the conflict. UNRWA exists as an effective instrument through which the immediate material needs of the refugees can be met. The full capacities of that instrument should not be allowed to go unused.





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DECLARATION ON PRINCIPLES OF INTERNATIONAL LAW CONCERNING  
FRIENDLY RELATIONS AND CO-OPERATION AMONG STATES

Text of statement made in the Sixth Committee on Agenda Item 85,  
Consideration of Principle of Co-operation among states in  
accordance with the charter of the United Nations, by the  
Canadian Representative, Mr. Edward G. Lee, September 23, 1970

Mr. Chairman,

The Special Committee on friendly relations was since 1964 engaged in a legal dialogue of great importance to the strengthening of the United Nations, to the future development of international law, and to the attainment of the rule of law amongst nations. Canada has attempted to play an active part in the Special Committee because the strengthening of international law has always been one of the main goals of our foreign policy. In participating in the exercise we have consciously tried to bear in mind at all times that we and the other members of the Committee did not represent only the particular interests of our own national government since we were elected to the Special Committee to represent the U.N. membership as a whole. We have not been discouraged by the lengthy deliberations which have been required to draft the declaration, because the task has been one of the most important and we hope enduring tasks ever undertaken by a United Nations Committee.

We shall in this statement comment only on the provisions of the draft declaration which have been considered during the last session of the Special Committee; Canadian delegations to earlier sessions of



the Committee and in the General Assembly have made our position clear on the other provisions of the draft declaration. My delegation will comment therefore at this time on only a few aspects of the preamble, and on the principles of non-use of force, non-intervention, and self-determination.

We are conscious that the preamble is very long and that some of its provisions are somewhat awkwardly drafted. Nevertheless, we are also aware of the difficult negotiations which, in a spirit of good will on the part of all members of the Special Committee, resulted in the version of the preamble we now have. We note particularly the cooperation by members of the Special Committee which resulted in the general reference in the preamble to resolutions adopted by the competent organs of the United Nations relating to the subject matter of the principles.

Canadian representatives have at sessions of the Special Committee over the past six years and from time to time in the General Assembly commented on certain aspects of the important principle on the non-use of force. That states shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state lies at the very heart of the achievement of genuine world peace. The Canadian delegation is encouraged by the agreement reached on the text of this principle earlier this year after the intervening slippage away from the near consensus which this Committee had reached in 1964 at Mexico City.

The Canadian delegation agrees with the texts of the provisions appearing under the principle of non-use of force. We are particularly pleased to note the good faith provisions under the principle of non-use





of force relating to the important areas of disarmament and the strengthening of the United Nations security system and we commend the substance of these provisions to all governments.

Over the years in the Special Committee during the debates on the principle of non-intervention in the domestic affairs of states, Canada has attempted to ensure that the principle will have the full weight of the world community behind it and at the same time be broad enough to embrace one of the most dangerous current forms of intervention, namely intervention which begins in a clandestine way and employs the techniques of subversion and terrorism. When the Canadian government voted for General Assembly resolution 2131 we regarded it as an important instrument which expressed the political views of the General Assembly on the question of condemning intervention. However, when voting for that resolution, the Canadian delegation stated that because many legal aspects of the question of non-intervention still required examination, the Special Committee on friendly relations should study further this subject. This has now been completed, and the Canadian delegation notes that the principle of non-intervention which has now been agreed, while not following all the provisions of resolution 2131, embodies the greater part of its substance in this important principle.

It is only natural, understandable and desirable, Mr. Chairman that there is such strong and widespread emphasis today on the desire and determination of all peoples to be free and equal under the law. The



principle of equal rights and self-determination of peoples is basic to the charter and all member states must adhere to it.

Paragraph 1 of the text of the principle of self-determination carefully balances both the duty of states to respect and promote the right of self-determination, and the right of peoples to freely determine their political status and to pursue their economic, social and cultural development without external interference.

Paragraph 2 clearly represents a constructive compromise of viewpoints. We believe it reflects well the view which we hold that substance of General Assembly resolution 1514 on the granting of independence to colonial countries and peoples should not be ignored. That declaration represents the culmination of a long history both on the domestic and international level of striving for the recognition of liberty as a fundamental human right. As a politically motivated expression of the General Assembly it has been a persuasive factor in the drafting of the legal elements of this principle.

My delegation agrees with the formulation of paragraph 4 of the principle of self-determination. The term "self-determination" has been often understood to mean full independence legally, politically and economically, for only by such status have many considered themselves to be in a position to determine freely their own destiny. However, in the legal formulation of this principle the Special Committee has guarded against too rigid and inflexible a definition of self-determination which directly or indirectly might be taken to mean independence alone. It recognizes that there are people who may wish to find their full self-expression in other ways.





Finally, the Canadian delegation welcomes the compromise text which has been formulated, after intensive discussions in the Special Committee, in the last two paragraphs of the principle of self-determination. The Canadian delegation has always regarded the inclusion of these essential safeguards to be of the utmost importance if these principles are in fact to further friendly and peaceful relations between states. It is essential to indicate clearly in this principle, firstly, by whom the rights of self-determination should be enjoyed and, secondly, against whom and under what conditions they might be invoked, and under what conditions they might not be invoked. This has been done and there should therefore be no danger that some may be misled into attempting to invoke this principle to justify the disruption of any state within which various communities have been co-habiting successfully and peacefully. We are all aware of many areas in the world where situations exist which might wrongly fall within this principle if there were not a specific safeguards clause. The Canadian delegation considers therefore that the agreed formulation on this point accurately reflects the aims and purposes of the charter, and the contemporary norms of international law, namely that the declaration should not be used to support the dismemberment or impairment of the territorial integrity or political unity of sovereign and independent states who conduct themselves in accordance with the principle of self-determination of peoples and are therefore possessed of a government representing the whole people of the territory of that state.

Mr. Chairman, these are a few of our views on the draft declaration. The Canadian delegation looks forward with enthusiasm and optimism to the commemorative session of the United Nations as the most appropriate occasion for the adoption of this draft declaration. It will represent a



major step in the strengthening of the rule of law among all nations;  
and a major step in the preservation of peace among all mankind.





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CANADIAN DELEGATION TO THE UNITED NATIONS

Press Release No. 12

Communiqué de Presse No. 12

SEP 30 1970

Emergency Relief for Jordan.

Secours d'urgence à la Jordanie.

DELEGATION CANADIENNE AUPRES DES NATIONS UNIES



EMERGENCY RELIEF FOR JORDAN

1970

The Secretary of State for External Affairs today announced that Canada will make a special supplementary grant of \$150,000 (CANADIAN DOLLARS) to the United Nations Relief and Works Agency for Palestine refugees.

This contribution is intended to help the Agency carry on its vital work at a time when its financial situation is precarious and when the demands being made upon it for services are increasing as a result of the civil strife in Jordan.

This contribution is in addition to Canada's pledge of \$1,200,000 dollars to UNRWA for the current fiscal year and will bring the level of Canadian support for the Agency to \$1,350,000 dollars for 1970.

The Canadian government also announced last week a donation of \$25,000 dollars to the Canadian Red Cross for emergency relief for the victims of the civil war in Jordan.





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CANADIAN DELEGATION TO THE UNITED NATIONS

Press Release No. 13  
5 October 1970

Communiqué de Presse No. 13  
5 octobre 1970

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Canadian Statement on Strengthen-  
ing of International Security.

Déclaration canadienne sur le  
renforcement de la sécurité  
internationale.

DELEGATION CANADIENNE AUPRES DES NATIONS UNIES



## STRENGTHENING OF INTERNATIONAL SECURITY

The distinguished representative of Italy has already ably and lucidly described to the Committee the provisions of the draft resolution in Document A/C.1/L.514, of which Canada has the honour to be co-author.

I should like now to put before you the considerations which led the Canadian delegation to take an active part in developing a draft resolution on the question of strengthening international security, and to comment on some of the aspects of that draft to which Canada attaches particular importance.

In its submission to the Secretary General in response to Resolution 2606 (XXIV), which appears in Document A/7922, the Government of Canada stated that "The strengthening of international security, in its broadest sense, is the basic objective of the United Nations. This means that all its purposes - peace, friendly relations, international cooperation and harmonizing the action of nations - contribute to and are dependent on the strengthening of international security."

Let us keep this fundamental proposition firmly in mind. It has been suggested at the United Nations from time to time, and most eloquently in this debate by the distinguished Ambassador of Brazil, that there is danger that the Organization will become depoliticized through the gradual abdication of its responsibility in the field of peace and security. Others have argued that the same result might come of excessive concentration on matters of primarily economic and social importance. If there is such a danger, we must be alert to it. But I submit that the debate in which we are now engaged, together with the debate last year and the numerous and thoughtful responses of Governments to Resolution 2606, are encouraging evidence of the willingness, indeed the determination of Member States to ensure that questions of peace and security in their political aspects retain





their primary importance in the United Nations. It is precisely because it shares that determination to the full that Canada was one of the first members to submit its views on the subject to the Secretary-General and that it embarked on the formulation of the draft in Document L.514.

I submit further, Mr. Chairman, that the strengthening of international security by United Nations action is not something that can be achieved by looking backward, or by a fundamentalist reading of the Charter as it is said to have been intended by its authors in 1945. If I may quote again from my Government's submission to the Secretary-General, "...the condition of international security cannot be usefully thought of as static. Peace is a process requiring continual adjustments among nations. Further economic and social development is sought by all. The full enjoyment of human rights in dignity by every human being must be viewed as an essential aspect of international security. The principles of justice demand constant reassertion and defence. A stable and secure world order can be realized only if the international system is resilient and capable of evolution, and not rigid and resistant to change. The United Nations, therefore, cannot itself be static if it is to serve these purposes."

I do not mean by this that evolution entails abandonment of principles, or alteration of the Charter, or extensive reconstruction of the machinery of the United Nations. It does, however, entail flexibility, the recognition of the value of usage, which in a responsible body means growth by the accretion of experience duly assimilated and applied with imagination.

Clearly security in any acceptable sense cannot be imposed. The



United Nations has functioned as an incubator of state sovereignty, so that the Organization has developed as an assemblage of sovereign states, none of which has so far been prepared to surrender the substance of its sovereignty unilaterally to an international body it cannot control. The rapid growth of awareness of the great imbalance between developed and developing countries, coupled with the dissolution of the colonial empires has made it clear that the problems of world order and international security were vastly more complex than had been supposed. The prevention of war remains the preponderant task but the new perspectives as they have opened have revealed that it is not the only, nor always the most difficult of the tasks ahead. Similarly interrelationships between states have become far too subtle and differentiated to permit us to rely on the primary responsibility of the strong, with all that implies in the diminished responsibility of the weak.

We have learned by now that the disproportion between the great powers and the smaller states is such that a surrender of responsibility by the small tends inexorably to lead toward a relative accretion of power to the great. We have also learned that the collective judgement of smaller states can make a constructive contribution to the strengthening of international security.

What must, therefore, be sought is a reasonably equitable reconciliation between the broadly-understood interests of each nation - not only political but economic, social, cultural, environmental, technological - and the interest in peace and security which all of us have in common.

My delegation is convinced, Mr. Chairman, that every organ of





the United Nations and every provision of the Charter must be brought into play and used to its maximum capacity to this end. We cannot accept the enlargement of the powers of any one United Nations organ at the expense of another. For this reason we find that the repeated emphasis on the powers of the Security Council and the neglect of those of other principal organs in the draft Declaration sponsored by Bulgaria and other delegations in Document A/C.1/L.513 creates a serious imbalance.

Nor can we accept any approach which might lead to alteration or reinterpretation of the Charter by means other than those which the Charter itself provided. That is why the document of which the Canadian delegation is a co-sponsor is cast in the form of a resolution rather than a declaration, which is the form of the text in Document A/C./L.513. Although a solemn declaration has in our view no greater legal significance than a resolution of the General Assembly, we are aware that in the view of some delegations the status of a U.N. declaration is unclear. Draft resolution L.514 avoids this ambiguity. The co-sponsors have taken particular care to adhere to the principles and purposes of the Charter without omitting any, and without introducing new ones which have no Charter foundation. We have relied on Charter language. For the well-being of the United Nations itself we should beware of trying by indirection to legitimize partial or particular readings of the Charter. Any declaration or any resolution purporting to interpret the Charter gives rise to serious reservations if it is in any way one-sided. It is perhaps surprising that a group of delegations who are usually most critical of the idea of Charter revision should introduce a text like Document L.513 which by its selectivity and lack of balance could only have the effect of weakening the Charter.

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There are a number of specific aspects of Resolution L.514 to which my Delegation attaches particular importance and to which we should like to direct special attention.

Operative Paragraph 2 deals with regional organizations and their security role. Bearing in mind the observations of a number of delegations in the debate on this subject last year, it is so phrased as to emphasize that regional organizations must act in a manner consistent with Chapter VIII of the Charter. The risk we wish to avoid is one of which all small states are aware: that of appearing to acquiesce in the dominance of any given region by the strongest state or group of states in it. We consider the juxtaposition of operative Paragraphs 2 and 3 important in this connection.

We would also have reservations about any formulation like that in Document L.513 which states that it is necessary for all States in each region to participate in regional arrangements, and implies at the same time that some purely geographical consideration should override community of interest or cultural, historical, social or economic affinities, so that states could be excluded from groupings in which their vital interests may be directly involved. It is our position that States must be free to choose whether and to what degree they would participate in regional arrangements. Moreover, we consider it of fundamental importance to state, unequivocally, as did the Government of Mexico in its submission to the Secretary-General in Document A/7922, that "the United Nations is the supreme authority in matters relating to the maintenance of international peace and security, that such arrangements or agencies must be consistent with the purposes and principles of the world



Organization, that enforcement action applied under or by such arrangements or agencies shall be subject to the provisions of Article 53, that their measures for the pacific settlement of local disputes shall be subject to the provisions of Article 52, paragraph 4, and lastly, that in the event of a conflict of obligations of the kind dealt with in Article 103, the obligations of Members under the Charter shall prevail, as is stipulated in that Article." The provisions of resolution L.514, in our judgement, cover these considerations.

Mr. Chairman, the continuation and intensification of efforts by the United Nations for the progressive development, codification and implementation of international law is an essential aspect of the strengthening of international security. The institutions engaged in this task should be capable of providing assurance to each member of the world community that peace, justice and development can be attained without recourse to methods which might jeopardize the security with which these goals are inextricably linked. Operative paragraphs 5 and 21 of the resolution in document L.514 deal with this fundamental matter, which is another which is totally neglected in Document L.513.

There is also, as I have indicated, unused capacity in the political machinery of the UN which must be brought into play in the interests of genuine international security. The General Assembly and the Secretary-General have in the past, and undoubtedly will in the future, have vital roles to play. The distinguished representative of Brazil has already suggested a device by which the efficacy of the Security Council in the pacific settlement of disputes could be enhanced, a device which deserves serious consideration. Operative Paragraphs 6





and 14 of Document L.514 envisage such measures.

It is useful to compare the passages on disarmament and arms control in the two documents now before us. Document L.513 speaks of General and Complete Disarmament, but says nothing of those cumulative collateral measures which constitute some of the most encouraging concrete contributions to strengthening international security in recent years. These are given their appropriate place in Operative Paragraph 7 of Document L.514. Document L.513 refers to nuclear disarmament, but says nothing of the competition in conventional armaments which is also a dangerous source of instability. This too has its place in Document L.514. Furthermore, in keeping with its general reticence on developmental questions, Document L.513 says nothing of the Disarmament Decade and the relationship between disarmament and arms control and the use of human and material resources in the creation of conditions of stability and well-being in the world. Operative paragraph 8 of Document L.514 deals with this important matter.

Distinguished representatives will have noted the differences between the formulations of documents L.513 and L.514 on the subject of peacekeeping. It is the view of the Canadian delegation that the peacekeeping functions of the United Nations have developed, in accordance with the purposes and principles of the Charter, to complement the functions of peacemaking covered in Chapter VI and enforcement covered in Chapter VII. Peacekeeping requires the full use of all the resources provided by the Charter, supplemented by specific agreements covering areas of activity which have proved essential, but on which the Charter is silent. To speak, as does Document L.513, of "strict compliance with the Charter"



in connection with operations which the framers of the Charter could not have envisaged in the form they have taken as circumstances changed, is to suggest that we are somehow to ignore those accretions of experience by which a living political organism evolves, and thus resign ourselves to that static state against which I warned at the outset. What are required are agreed procedures which will enable the United Nations to act constructively in situations of conflict to foster or maintain conditions under which peaceful settlement is possible on a generally acceptable basis and which will ensure that no State, either by exploiting United Nations peacekeeping operations or by preventing them, will be able to obtain advantages for itself to the detriment of others.

Finally, Mr. Chairman, I should direct the Committee's attention to the paragraphs in document L.514 dealing with the vital areas of development and human rights, Paragraphs 17, 18 and 19. Without a full and definite commitment to these causes the great cause of peace and security for all cannot prosper. The United Nations has laid the foundations for progress in these fields in some of its most constructive and promising endeavours. Document L.513 says nothing of human rights; it entirely overlooks the great enterprise of the second Development Decade. But these are essential pillars of the foundation on which, with the will to succeed, we can hope to erect the structure of security with justice which we are here to build.

In conclusion may I once more quote the reply of my Government to the Secretary-General: "The effectiveness of the United Nations depends on the will of all its Members to use it to capacity and to accept





the concomitant obligations, some of which may be onerous or seem to run counter to national interests narrowly conceived. Without the United Nations such a will could not be translated into practice. Without such a will the United Nations is powerless."



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Government  
Publication

Press Release No. 16  
October 14, 1970

Notes for an Address by the Honorable Mitchell Sharp, Secretary of State for External Affairs, and Special Envoy of the Government of Canada to the 25th Commemorative Session of the General Assembly of the United Nations in New York.

CHECK AGAINST DELIVERY.

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Communiqué de presse no. 16  
le 14 octobre 1970

Notes sur l'allocution de l'honorable Mitchell Sharp, secrétaire d'Etat aux Affaires extérieures et Envoyé Spécial du Gouvernement du Canada à la session commémorative du 25<sup>e</sup> anniversaire de l'Assemblée générale des Nations Unies, à New York.

VERIFIER LORS DU DISCOURS.

**CANADIAN DELEGATION  
TO THE UNITED NATIONS**

**DELEGATION DU CANADA  
AUPRES DES NATIONS UNIES**



Mr. President,

Canada is honoured to open the debate at this Commemorative Session, marking the 25th Anniversary of the founding of the United Nations. It is traditional, at a time of celebration, to look back to the past and forward to the future, to pause and reflect. This quarter century mark in the United Nations history provides the opportunity for self-examination. The need for self-examination arises from deeper and graver causes.

Throughout the world there is deep dissatisfaction rooted, I believe, in a profound uneasiness that has seized peoples everywhere. Uneasiness about a world wracked by bloody conflict, uneasiness about economic prospects, uneasiness about the quality and meaning of human life, uneasiness about the health of the air we breathe, the water we drink, the soil that gives us sustenance.

The dissatisfaction of which I speak is not limited to any group of nations. It transcends the clash of ideologies, respects no barriers between east and west, between north and south. It is felt in developing countries, in countries that are technologically advanced, by nations represented here and by as yet those without representation.

Dissatisfaction is most clearly to be seen among the young, the oppressed, the alienated and the poor. Yet it is to be found increasingly among people in the prime of life, people who enjoy material success. It affects the leaders as well as the led.

We are facing a broad crisis of confidence between people and the institutions

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they have created. Governments, judicial systems, places of learning, organized religion all the great constants of civilized life are being questioned. And the way they are responding seems often to add to the dissatisfaction. The relevance of institutions, their competence, their usefulness, their very purpose have been brought into doubt.

In this place, at this time, it is dissatisfaction with United Nations that we must consider. It does not stop at the threshold of this chamber. It is felt, I am sure, in every delegation seated here today. As we look out at the world we see little cause for comfort, less reason for congratulation and no justification for complacency.

And yet, Mr. President, much has been achieved. In the dark days of the Second World War, while fighting for their lives, the leaders of nations created a concept of a world organization and a world order that would bring peace and security, prosperity and dignity to mankind.

The founding nations at San Francisco in 1945 made a leap of the imagination unique in man's history. In the midst of chaos and misery they determined that order must prevail, they turned their backs upon darkness and death and struck out towards a future of light and of life. The Charter was a remarkable achievement. It still is.

Within a few years the world found itself divided by what we called the Cold War. This was the first great test for the United Nations. And it survived. In the days of the Cold War the great United Nations family of agencies came into being and embarked upon the supreme task of bettering the conditions of life upon earth a task they still pursue with energy and dedication.

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Even in the most anxious days of the Cold War the nations came together here. If there was little meeting of minds, at least there was contact. If we failed to decide issues, at least we debated them. Out of confrontation came communication.

And we did certain things:

- Local conflicts, which could have escalated into world war, were contained.
- Co-operative financial and trading arrangements, basic to world prosperity now and in the future, were negotiated.
- Arms control measures, the subject of mounting world concern, were given effect in a series of United Nations treaties.
- As new nations came on the scene, the need for international development assistance was recognized and acted upon.
- Colonialism, identified as incompatible with human dignity, was hastened toward its end, frequently with United Nations assistance.
- The elimination of racial discrimination, clearly recognized as intolerable, became a primary objective.

These are some of the major accomplishments tangible, constructive and plainly visible. What about the subtler forms of United Nations achievement? Within these walls we have engaged, as nations, in an ever more sophisticated exchange of views, in ever more fruitful negotiation of issues. Nations met here, as we are meeting today, in a continuing conference.. The whole concept of diplomacy went through a profound change. From narrow, formalized negotiations carried on by an elite bureaucracy, we moved to a broad interchange of

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ideas involving whole nations and their leaders. The right of small nations to be heard even as great powers negotiated has been enshrined in this organization.

Why then the dissatisfaction, the sense of shortcoming, the uneasiness about the United Nations? I am suggesting four major factors, the root causes. There are undoubtedly others.

Perhaps the first is to be found in the disparity between the high hopes of 1945 and the slow progress made during the past quarter century. We had a right to high hopes in 1945 because so much seemed possible then.

In the recorded history of man there have been many years of great moment but few, surely, of such significance as 1945. Has there been any other year in which was manifest such widespread relief and determination for a better future? Has there been any other year in which occurred events of such vivid horror, such appalling evidence of man's capacity to produce his own catastrophe? Could any other year claim all the elements of a present hell and all the ingredients for a future heaven? In 1945 man attained a kind of maturity. Not since he first fashioned rough stone tools had man possessed the knowledge and the ability to answer virtually all his needs. Not since he first associated with others in local tribes had mankind conceived the institutional structures to conduct his affairs effectively and peacefully. Not since man first struck down his brother in rage had he been able to destroy not just his neighbour or his enemy, but the whole human race.





For centuries, these human capacities had been the subject of dreams or nightmares by scientists and inventors, by poets and philosophers, by warriors and madmen. But none were within the grasp of man prior to 1945. Then in a few blinding weeks of inspiration, revelation and terror, man held them in his hands.

This week we have an opportunity to reflect on our use or our misuse of that knowledge and ability in the years since the Charter was signed. In doing so we shall be well advised to avoid putting too much blame either on the United Nations as an organization, or on its Charter. The Charter is a remarkable political attainment. The Charter introduced into the world a minimum standard of conduct, a floor through which no state was to descend. The Charter was never intended as a ceiling on the good citizenship of nations. The failure of United Nations so far to fulfil the promise of 1945 is no excuse for states not to live up to the spirit as well as the letter of the Charter.

For it is member states who are charged with the obligations of the Charter. It is member states who retain the primary responsibility for action or inaction by this organization. And that responsibility is not diminished simply because the United Nations is not yet as effective as the San Francisco Conference hoped it would be.

All member nations share some of the blame for this organization's weaknesses, just as we can all take part of the credit for its strengths.

A few moments ago I spoke about the coincidence in 1945, of political achievement and scientific advance. Surely the great paradox of that time was that the founding nations failed to realize that the



nuclear age had begun. This seems all the more incomprehensible today when we realize that the Charter and the bomb were being put together at the same time.

Science in the past quarter century has so far outstripped politics that all our political institutions, above all the United Nations, have seemed less and less relevant. How else can we now look upon disarmament discussions in the Fifties, for example, when bigger and bigger bombs were bursting in the atmosphere and threatening us with radiation hazard? While we struggled with age old earthly-ills hunger, disease, illiteracy-science shot Sputnik into orbit in 1957 and a dozen years later sent men to the moon and back. How could we hope to deal effectively with the gap between rich and poor nations when science was clearly running away from us all.

If governments exhibit in the next twenty-five years the same indifference they have shown in the past, science will either destroy man or enslave him. It is sheer fantasy that science, inevitably, is in man's service. Today's man's ability to continue to control his own destiny is far less certain than it appeared in 1945.

Without suggesting for a moment that we should seek to stifle the scientific mind, I believe we must find ways of putting science and technology to work for the good of man for the improvement not the impairment of the human condition.

We do this within our national boundaries by re-examining existing arrangements or by devising new means, whichever way provides the most effective results. We must with the same foresight and vigour

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do so in the international sphere to check the bad effects of the relentless pursuit of science, to direct its powerful force for good into co-operative action for the benefit of us all.

The United Nations is not unaware of this need. It has begun to act in fields such as communications, transportation, outer space, the environment and the peaceful uses of the seabed.

A third big factor that feeds dissatisfaction is that the United Nations has often appeared to be rudely by-passed, or shamelessly to stand aside, while major world events were unfolding, while grave crises were erupting, particularly in the field of peace and security. Berlin, Vietnam, Czechoslovakia leap to the mind but they are only the most obvious examples. Other critics have found it incredible that this organization can claim any standing in today's world, when it has excluded for decades representatives of nations forming very substantial segments of the world's population.

Finally I suggest that some of the aims, interests and values which in 1945 had very great appeal and support in this organization are no longer the ones that dominate here, nor those that motivate nations and individuals now.

The preoccupations of the United Nations, once those of a membership predominantly white and of European origin have shifted radically and rapidly with the organization's changing racial and regional composition. Yesterday we celebrated the Tenth Anniversary of the United Nations Declaration on the Granting of Independence to Colonial Countries and People. This year marks the beginning of the





second Development Decade. Our attention has been shifting too - perhaps not quickly enough - to meet new demands and expectations in a rapidly evolving world situation. All these changes are bound to be unsettling.

We have to adjust to them, as an organization, as individual member states, as nations. We may not have developed fully the reflexes of mind and mechanism needed for quick change. That we are learning I have no doubt but whether fast enough one cannot be so sure. I ask you. How much time do we have?

I have sought to launch our discussion on a course that is positive and constructive away from the temptations of self-congratulation, mutual recrimination and, above all, of apathetic indifference.

If we who are the members of this United Nations have the will to do so, we can accomplish anything we want - our Charter aims, the conservation of that fragile balance of nature on which we all depend for survival, the aspirations of people everywhere for a quality of life that is fit for human beings. Not for cold computerized robots, nor the lifeless masses of Orwell's 1984 but for warm and vital human beings - the people for whom the Charter speaks.

Wherever we come from, whatever our constitutional forms, whatever credentials we hold, we are all here representing people. It is they who are the ultimate beneficiaries of what the United Nations does, and the victims of what it leaves undone.

Our peoples now all know this, all around the globe. They can, via satellite and the other marvels of instant communication, watch us now, all the time. They will know if we fail them, why and how.

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For people everywhere know today what they expect of us, even if they cannot always articulate their views or formulate their ideas. They want to have done with wars and weapons, to have done with social discriminations and economic disparities, to reduce hate and hypocrisy, pomp and pretence in human relations.

Acting in concert we can, I believe, accomplish whatever we set out to do provided our will to succeed is sustained and strong. We can find ways to reduce the tensions which threaten to erupt into world conflagration. We can find some equilibrium so that expanding populations will get an equitable share of the world's resources. We can reduce armaments in a manner which does not threaten the security of any country. We can deal with disparities which set the poor nations at odds with the rich. We can remove or reduce the ugly threats to our human environment.

These problems spill over national and regional frontiers with no hope of effective unilateral control. Even if concerted action should evade our grasp for the moment, for reasons which are not entirely within our control, we cannot and should not seek to evade our responsibility either as individual members or groups of members. Our Charter obligations remain intact and nothing prevents us from discharging them unilaterally.

Individual nations can refrain from using force and violence in international relationships. They are not compelled to devote ability and resources to produce nuclear weapons and others equally capable of mass destruction.

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It is possible for them to allocate increasing amounts of resources to economic development and social progress, to environmental control measures, to improving the quality of life. Individually we can act within national boundaries to ensure that the dignity of man is assured.

If every nation represented here today does its utmost to put and keep its own house in order and to bring about friendly relations with other states part of the great task of the United Nations will have been accomplished. If as member nations we come here in the knowledge that everything we can do within our own jurisdictions has been done, and I do not suggest that any nation/<sup>here</sup>today can make that claim, we will find fewer problems to face and those that remain less difficult.

Mr. President, I speak today for Canada and I pledge Canada to full support of the United Nations in the years to come. We cannot, together or separately, solve all of mankind's problems at once. Dissatisfaction and unease will remain part of the common human experience. If we have the will, the courage and the patience we can make greater progress in the next quarter century than in the last, so that the youth of our time, and of times to come, may receive from us a United Nations equal to its tasks, and a world in which they, in their time, can build upon the foundation we have laid.

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Government  
Publications

Press Release No. 17

Ottawa Oct 13, 1970

Joint Communique of the Government of  
Canada and the Government of the Peoples  
Republic of China Concerning the  
Establishment of Diplomatic Relations  
Between Canada and China.

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Communiqué de presse no. 17

Communiqué conjoint du Gouvernement du  
Canada et du Gouvernement de la République  
Populaire de Chine concernant l'établissement  
de relations diplomatiques entre le Canada  
et la Chine.

**CANADIAN DELEGATION  
TO THE UNITED NATIONS**

**DELEGATION DU CANADA  
AUPRES DES NATIONS UNIES**



I am pleased to announce the successful conclusion of our discussions in Stockholm with representatives of the Peoples Republic of China, reflected in todays joint communique which records our agreement on mutual recognition and the establishment of diplomatic relations.

Joint Communique of the Government of Canada and the Government of the Peoples Republic of China Concerning the Establishment of Diplomatic Relations Between Canada and China

1. The Government of Canada and the Government of the Peoples Republic of China, in accordance with the principles of mutual respect for sovereignty and territorial integrity, non-interference in each others internal affairs and equality and mutual benefit, have decided upon mutual recognition and the establishment of diplomatic relations, effective October 13.
2. The Chinese Government reaffirms that Taiwan is an inalienable part of the territory of the Peoples Republic of China. The Canadian Government takes note of this position of the Chinese Government.
3. The Canadian Government recognizes the Government of the Peoples Republic of China as the sole legal Government of China.
4. The Canadian and Chinese Governments have agreed to exchange Ambassadors within six months, and to provide all necessary assistance for the establishment and the performance of the functions of Diplomatic Missions in their respective capitals, on the basis of equality and mutual benefit and in accordance with international practice.





Officials from my Department and from Industry, Trade and Commerce will be leaving for Peking very shortly to begin administrative preparations for the opening of a Canadian Embassy in Peking. We hope to have the Embassy in operation within two or three months.

The establishment of diplomatic relations between Canada and China is an important step in the development of relations between our two countries, but it is not the first step, nor is it an end in itself. We have opened a new and important channel of communication, through which I hope we will be able to expand and develop our relations in every sphere. We have already indicated to the Chinese, in our Stockholm discussions, our interest in setting up cultural and educational exchanges, in expanding trade between our two countries, in reaching an understanding on consular matters, and in settling a small number of problems left over from an earlier period. The Chinese have expressed the view that our relations in other fields such as these can only benefit from the establishment of diplomatic relations between our two countries. They have also agreed in principle to discuss through normal diplomatic channels, as soon as our respective embassies are operating, some of the specific issues we have raised with them.

As everyone knows, the agreement published today has been under discussion for a long time. I don't think it is any secret that a great deal of this discussion has revolved around the question of Taiwan. From the very beginning of our discussions the Chinese side made clear to us their position that Taiwan was an inalienable part of Chinese territory and that this was a principle to which the Chinese Government attached the utmost importance. Our position, which I have stated publicly and



which we made clear to the Chinese from the start of our negotiations is that the Canadian Government does not consider it appropriate either to endorse or to challenge the Chinese Government's position on the status of Taiwan. This has been our position and it continues to be our position. As the Communique says, we have taken note of the Chinese Government's statement about Taiwan. We are aware that this is the Chinese view and we realize the importance they attach to it, but we have no comment to make one way or the other.



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Press Release No. 18  
October 14, 1970

Deposit of an instrument of accession to the Vienna Convention on the Law of Treaties of 1969 and of the instrument of ratification of the International Convention on the Elimination of All Forms of Racial Discrimination of 1965, by the Honourable Mitchell Sharp, Secretary of State for External Affairs of Canada, on October 14, 1970.

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Communiqué de presse No. 18  
Le 14 octobre 1970

Dépôt d'un instrument d'adhésion à la Convention de Vienne de 1969 sur le droit des traités et d'un instrument de ratification de la Convention internationale de 1965 sur l'élimination de toutes les formes de discrimination raciale, par l'honorable Mitchell Sharp, Secrétaire d'Etat aux Affaires extérieures du Canada, le 14 octobre 1970.

**CANADIAN DELEGATION  
TO THE UNITED NATIONS**

**DELEGATION DU CANADA  
AUPRES DES NATIONS UNIES**



The Secretary of State for External Affairs, the Honourable Mitchell Sharp, deposited today on behalf of the Canadian Government an Instrument of Accession to the Vienna Convention on the Law of Treaties of 1969 and the Instrument of Ratification of the International Convention on the Elimination of All Forms of Racial Discrimination of 1965. The ceremony took place this morning in the Office of the Secretary-General behind the General Assembly Hall where Mr. Sharp, as a Special Envoy of the Canadian Government, spoke a few minutes later at the opening of the Commemorative Session of the 25th Anniversary of the United Nations.

Explanatory appendices on the two United Nations Conventions are attached.





## APPENDIX "A": CONVENTION ON THE LAW OF TREATIES

The Vienna Convention on the Law of Treaties was adopted at two sessions of a Plenary Conference in Vienna in 1968 and 1969 following several years of intensive preparation by the International Law Commission and was signed by forty-five countries prior to the closing for signatures.

The Convention constitutes a law-making treaty laying down fundamental principles of contemporary treaty law. Because of the paramount importance of treaties as a source of international legal obligations binding upon states and because of the diversity and comprehensiveness of the interlocking network of treaties which today regulate a major part of the relations between states, the Convention can be viewed as virtually the constitutional basis of the international community of states, second in importance only to the United Nations Charter.

While the Convention is largely a codification of the existing principles of treaty law, in some respects it constitutes a progressive development of law. For example it establishes the principle that a treaty can be invalidated on the grounds that it conflicts with a peremptory norm of international law or of *jus cogens*, which are those rules of international law from which states may not "contract out" e.g. the prohibitions of genocide, aggressive warfare, piracy and slavery. The Convention also settles a number of previously controversial points of law and doctrine. For example, it recognizes the right to terminate a treaty when there has been a fundamental change in the circumstances



which were an essential basis for the conclusion of the treaty and when such a change radically transforms the extent of the obligations still to be performed under the treaty.

The Convention provides for compulsory reference to the International Court of Justice of claims that the treaty is invalid because it conflicts with the peremptory norms of international law. Similarly, provisions for the compulsory conciliation of disputes arising from the invalidity and termination provisions of the Convention ensure a degree of objectivity and responsibility between the parties to the Convention in negotiating treaty disputes.

Only four states are as yet parties to the Convention: Nigeria, Jamaica, Syria and Yugoslavia. Canada, in acceding to the Vienna Convention which will come into force when thirty-five countries become parties to it, is reaffirming its traditional willingness to adhere to the rule of law amongst nations and contribute to its further development.



## APPENDIX "B": CONVENTION ON RACIAL DISCRIMINATION

The International Convention on the Elimination of All Forms of Racial Discrimination, which is one of the great pioneering instruments on human rights, was approved by the Twentieth Session of the United Nations General Assembly in a resolution adopted unanimously on December 21, 1965. Canada participated in the drafting of the Convention in the General Assembly's Third Committee.

The Convention was opened for signature and ratification at New York on March 7, 1966 and was signed by Canada on August 7, 1966. It entered into force January 4, 1969 with twenty-seven countries having ratified or acceded to the Convention at that time.

The Convention binds states which ratify it to condemn racial discrimination and to pursue a policy of eliminating racial discrimination in all its forms. Parties to the Convention also commit themselves to take concrete measures to ensure adequate protection of racial groups or individuals belonging to these groups. The Convention further provides for the establishment of machinery to oversee implementation of its provisions.

With the approval of the Convention the United Nations neared completion of its efforts toward formulating rules on the broader subject of human rights. The initiative now lies with individual states to put into practice the rules already formulated.

The Convention forbids racial discrimination and lays the obligation upon states to take concrete measures to eliminate it by all possible means. The effectiveness of a Convention of this nature lies





in the willingness and ability of state parties to implement its provisions. The determination of the Canadian Government is expressed in "Foreign Policy for Canadians" where the Canadian Government reiterated its "positive and rigorous" approach to human rights. Because Canada is a federal state its ability to implement certain international conventions depends on cooperation between federal and provincial governments. For this reason Canada has withheld ratification until the completion of an extensive review at both levels of government in Canada of Canadian laws and enforcement methods relating to the subject matter of the Convention in order to ensure that Canada is able to fulfil its responsibilities under the Convention upon its ratification. Canada's signature thus serves to reaffirm in an unequivocal manner Canada's complete endorsement of the purpose of the Convention and its determination to carry out these purposes, namely elimination of racial discrimination in all its forms.

Canadian ratification of this important Convention at this time is particularly appropriate as it coincides with the celebration of the XXV Anniversary of the United Nations and comes on the eve of 1971, proclaimed by the United Nations as an "International Year for Action to Combat Racism and Racial Discrimination".



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## CANADIAN DELEGATION TO THE UNITED NATIONS

Press Release No. 20  
Tuesday, October 20, 1970

Communiqué de presse no. 20  
Mardi, le 20 octobre 1970

Statement made by Mr. J.A.  
Beesley, Canadian Representa-  
tive to the Sixth Committee  
of the XXV UNGA on Item 87:  
Definition of Aggression.

Déclaration prononcée par M.  
J.A. Beesley, représentant  
canadien à la Sixième Commission  
de la XXV<sup>e</sup> Assemblée générale  
des Nations Unies sur le point 87:  
définition de l'agression.

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DELEGATION DU CANADA  
AUPRES DES NATIONS UNIES



Mr. Chairman,

I should like to begin by complimenting the Chairman of the Special Committee on the Question of Defining Aggression for the way in which he has guided the deliberations of the Committee. He has at all times shown the tact, the skill, the firmness, the flexibility and the impartiality which the complexity and the sensitivity of the problem has demanded. I should also like to pay tribute to the rapporteur of the Committee and to the members of the Secretariat who assisted in the preparation of the truly excellent report of the Committee's studies. Given the variety of views expressed on the many separate and important matters of issue, it is no small accomplishment to produce a report of such clarity.

The last time my delegation intervened on this question in this Committee, we pointed out that there had been some considerable progress achieved by the Committee, although it had not been possible to indicate the full extent of this progress in the report of the Committee; movement between opposing positions occurring in informal discussions is not always reflected in the formal positions taken in debate. If this was true of the previous sessions of the Committee, it was true even more of the most recent sessions. In particular, during the meeting last June in Geneva, some considerable measures of flexibility was shown on certain issues for the first time. While it was not possible to concretize this movement by agreement on specific language, there is nonetheless some basis, in our view, for hoping that the spirit of conciliation evident in the Committee will result

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in agreement on these issues. It may be helpful to those delegations not represented on the Committee to be provided with some examples of the issues on which some progress was achieved.

#### Definition and Power of the Security Council

As appears in the report of the Committee there is a large area of common ground on this question of central importance. While some differences remain concerning the extent to which the Security Council's discretion should remain unfettered by the proposed definition, there appears to be general agreement that the definition should safeguard the authority of the Security Council as the United Nations' Organ primarily responsible for the maintenance of international peace and security. This is a point to which the Canadian delegation has always attached great importance and it is encouraging to note that no delegation suggests that any proposed definition should be utilized by the Security Council in an automatic or categorical manner.

#### Acts Proposed for Inclusion in the Definition of Aggression

Some considerable progress was achieved in clarifying the positions of the co-sponsors of the several draft definitions concerning the acts proposed for inclusion in the definition. Perhaps more important, some flexibility was displayed for the first time by proponents of opposing positions on previously controversial issues.

The Canadian delegation has made clear from the outset that it attaches importance to the inclusion within any proposed definition of so-called indirect armed aggression consisting, for example, of infiltration across frontiers or internationally agreed lines of

/demarcation .../3





demarcation by armed bands, external utilization of terrorism or subversion or other indirect uses of force intended to violate the territorial integrity or independence of states. Some of the proponents of this point of view accepted, however, during the discussions in Geneva, that not every such act need necessarily constitute aggression. Indeed, to argue otherwise would be to impugn the discretionary powers of the Security Council. On the other side, some of the proponents of the view that such acts should not be included within the proposed definition conceded for the first time that some such acts could constitute aggression either because their seriousness transformed their character into direct armed aggression or on the basis of other legal rationales. It may be that the application of the principle of proportionality to this issue could provide the basis of a possible solution to what has thus far been one of the most controversial questions under consideration by the Committee.

On a connected issue there was somewhat less but nonetheless discernible progress, namely whether or not the use of atomic weapons constituted an act of aggression per se. It has been the position of my delegation that the possibility should not be foreclosed of nuclear weapons being used in self-defence against an attack of an aggressor using conventional weapons. This point of view seems now to be more widely shared in the Committee.

Another issue on which there appeared to be in the past a fairly sharp division of views was/a declaration of war of itself constitutes aggression. Here too, there seemed to be movement both

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on the part of those who have argued that this act is aggressive per se and those who have argued that it ought not to be included in a definition. The position that appears to be developing is that while a declaration of war need not necessarily constitute an act of aggression (for example the declarations of war by some of the allied powers such as Canada against Nazi Germany in spite of the fact that Canada had not previously been attacked by that country), on the other hand a declaration of war, precisely because of its formal juridical consequences and the inherent seriousness of the act must necessarily constitute an important element to be taken into account in determining the commission of an act of aggression.

Another difficult and controversial issue on which some noticeable progress may have been made relates to the possible inclusion of military occupation and annexation in the proposed definition. The Canadian Delegation has taken the position that military occupation and annexation are essentially consequences of either legitimate uses of force or acts of aggression, and that such acts should not therefore be included within a definition of aggression. Other delegations disagreed with the consequential argument, but have maintained also that military occupation and annexation can never be excused on any grounds and that such acts are therefore aggressive per se in every instance. While it would be idle to suggest that this issue is close to resolution, it is nonetheless possible to detect some movement on both sides. It was pointed out during the debate, for example, that there were and still are military occupations resulting

/from .../5



from the Second World War which are not necessarily aggressive and that the same may even apply to certain annexations consequential upon the termination of the Second World War, although this later point is somewhat controversial. It was also conceded however, by some of the proponents of the contrary view, that an occupation which might be legitimate if based, for example, upon a treaty arrangement, could be transformed into an aggressive act if occurring or continuing against the will of the host State.

#### Principle of Priority

Another issue previously regarded as extremely controversial was whether "first use" of force of itself predetermines the nature of the force as aggressive. My delegation has always taken the position that although such an approach is a legitimate one assuming that all member states of the U.N. could agree that the principle of priority predetermines the character of the use of force, it did not provide a really effective answer to the problem. Even apart from the difficulties in determining which party makes the first use of force, first use does not necessarily carry with it an irrefutable presumption of culpability. During the discussions in Geneva, however, some delegations sharing this point of view conceded that first use was at the very least a most important element to be taken into account in determining whether or not a particular use of force is aggressive. On the other side, some of the proponents of the first use principle appear to have conceded that so long as the importance of the principle was stressed in the definition, the principle need not be postulated in

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such a manner as to virtually pre-judge the issue, since in any event such matters had to be left to the discretion of the Security Council.

### Aggressive Intent

It has been the position of the Canadian delegation throughout that one of the most important elements in determining aggression is that of intent. Some delegations on the Committee had taken an opposing view and had expressed the fear that including the element of intent in a definition could provide pretexts for an aggressor claiming no aggressive intent. There seems now to be a more widespread acceptance in the Committee of the position that while the question of intent can never of itself predetermine the nature of a use of force, it is an important element to take into account, at the discretion of the Security Council. It may be that some progress can be made in reformulating this element in a way that reflects the general view which appears to be developing in the Committee.

unresolved

There are a number of issues still presenting difficulties, including the principle of proportionality, the appropriateness of having the definition apply to entities other than states; of including the principle of self-determination in the definition independently of the "legitimate use of force" concept; the proper treatment to be accorded the principle of self-defence single and collective; and a number of less serious issues of an essentially drafting nature. The views of the Canadian delegation on these areas of difference still outstanding are well known, and it is not therefore necessary for us to repeat them, particularly given the general desire

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to keep our debates as brief as possible. Suffice it to say that we do not see any outstanding issues facing the Committee which are insuperable, given a continuation of the past willingness on all sides to approach the problem in a spirit of conciliation, in the common interest.

The decision taken by the Special Committee to base discussions on the latest three texts, that is to say, the USSR draft definition, the 13 Powers definition and the 6 Powers draft, (of which Canada is a co-sponsor), was a wise one. We also welcome the agreement which was reached among a number of non-aligned and Latin American delegations who. are not formally co-sponsors of any text, to co-operate closely with the 13 Powers and to take an active part in the debate and present proposals relating to the drafts under consideration.

It is, I think, Mr. Chairman, no exaggeration to say that in the short period since the creation of the Special Committee on the question of defining aggression by General Assembly resolution 2230 (XXII) of 18 December 1967, more has been accomplished towards clarifying the elements to be included in any legally adequate definition of aggression and towards developing and expanding the political basis for agreement on a definition than had occurred in the previous several decades of intermittent efforts to achieve this end.

I should like to conclude, Mr. Chairman, by making clear the willingness of the Canadian delegation, in the light of the progress made by the Committee thus far, to continue to play an active part in

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the deliberations of the Committee, in a spirit of co-operation.

It is our view that the high level of debate maintained in the Committee, and the willingness of members to work towards possible accommodation by informal negotiations augur well for the further success of the Committee.



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REPRESENTATIVE OF THE  
THIRD COMMITTEE

Press Release No. 22  
Wednesday, October 21, 1970

Communiqué de presse No. 22  
Le mercredi 21 octobre 1970

Text of Intervention of the  
Canadian Representative,  
Mlle Renaude Lapointe, in the  
Third Committee, on October 21,  
1970, on Item 53: Elimination of  
All Forms of Racial Discrimination.

Intervention de la représentante  
du Canada, Mlle Renaude Lapointe,  
le 21 octobre 1970.  
Point 53: Elimination de toutes  
les formes de discrimination  
raciale.

CHECK AGAINST DELIVERY

VERIFIER LORS DU DISCOURS

DELEGATION DU CANADA  
AU COMITE DES NATIONS UNIES





Madam Chairman,

The Third Committee is called upon again this year to consider the problem of racial discrimination. Which is to say this phenomenon still exists. There is no lack of legal texts in this area. The adoption by the United Nations of instruments such as the International Convention on the Elimination of All Forms of Racial Discrimination represents an extremely positive aspect of the international effort for the promotion of human rights, and this is all to the credit of this Organization.

Madam Chairman, what is written is well written. But can we be satisfied to the same extent with the application of the principles which the international community took twenty-five years to formulate or to set down on paper definitively? The observance of rules has not kept pace with the legislative rhythm of the United Nations in the field of human rights, and it is on this point that the Organization must concentrate its activity in the future.

Racial discrimination, of which apartheid is the most odious incarnation, must be vigorously condemned. The steadfastness of our efforts to eradicate this phenomenon is indeed and will remain the criteria of the seriousness with which the community of peoples strove to eliminate this aberrant notion.

The Canadian delegation for one rejoiced at the coming into force in January 1969 of the Convention on the Elimination of All Forms of Racial Discrimination. This event represented a great step towards a truly ideal human fraternity. Madam Chairman, my delegation is happy to have been, for the last few days, among those states which have ratified this Convention. It is the modest contribution of a country which firmly believes in the respect of human rights, a foundation stone of the Canadian society.



My delegation cannot neglect to underline the recent federal legislation on hate propaganda and genocide. We also wish to mention the very real legislative effort which has been made these last few years in Canada at both the provincial and federal levels in the field of human rights.

Canada is also determined to take a more active and effective part in international action concerning human rights and will regularly pursue consultations with the Canadian provinces who, under our constitution, have jurisdiction in this area. Consequently, our country should be in a better position to ratify with expediency the other United Nations conventions dealing with human rights.

Canada fully subscribes to the ideas of celebrating in 1971 International Year for Action to Combat Racism and Racial Discrimination. It is in this spirit that we have supported Resolution 2544 of the 24th session of the General Assembly and that we have approved the programme drawn up for this purpose by the Secretary-General. To underline this event in a proper and dignified way, Canada is formulating a specific programme, the details of which will be communicated to the Secretary-General as soon as possible.

Madam Chairman, the principles of human equality and dignity must now more than ever be re-emphasized. The prejudices which, in one form or another, continue to prevail force us to do so. Canada is thus happy to note that an international seminar on the harmful consequences of racial discrimination will be held in Cameroon in 1971 and would like to commend the French Government for its initiative in deciding to hold in Nice next



year a seminar on the risks of new outbreaks of all forms of intolerance and on the search for ways of preventing such outbreaks. It is hoped that these two important meetings organized under the Advisory Services of the United Nations in the field of human rights will help the cause of inter-racial justice and harmony make a new step forward.

Thank you.





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Government  
Publication

Press Release No. 28  
Monday, November 2, 1970

Statement in First Committee on Disarmament Items  
by the Canadian Representative, H.E. Mr. George  
Ignatieff, Ambassador

CHECK AGAINST DELIVERY

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Communiqué No. 28  
Le lundi 2 novembre 1970.

Déclaration sur les questions de désarmement  
prononcée à la Première Commission, par le  
représentant du Canada, Son Exc. M. George  
Ignatieff, Ambassadeur.

VERIFIER LORS DU DISCOURS

**CANADIAN DELEGATION  
TO THE UNITED NATIONS**

**DELEGATION DU CANADA  
AUPRES DES NATIONS UNIES**



Mr. Chairman,

The statements made in the General Debate and in the commemorative meetings connected with this anniversary session have underlined the fundamental importance of progress in arms control and disarmament in containing the effects of a run-away technology and in seeking to attain the high purposes of the United Nations Charter, whose signature we celebrate this year. These statements have also I believe offered us the benefit of a fuller perspective as we open our annual discussions on disarmament in this Committee.

Indeed, this first United Nations General Assembly session of the Disarmament Decade, coinciding as it does with the 25th Anniversary of the United Nations and with the completion of almost a decade of activity in the Geneva Disarmament Committee, offers an occasion for a sombre and heart-searching review of past accomplishments, as well as for looking ahead to future possibilities for progress in the arms control field. This process should serve as an incentive during the remainder of the decade to achieve greater and more even progress on effective measures of arms control and disarmament.

In reviewing the list of accomplishments in this area in the past twenty-five years, one is forced to admit that, during the greater part of the quarter century of United Nations existence, disarmament negotiations were marked by comparative sterility, with few productive accomplishments to set against the record of an expanding arms race.



The last decade, however, has been somewhat more encouraging, with the treaty on denuclearization of Antarctica in 1959, the Partial Test Ban Treaty in 1963, the Latin American Nuclear Free Zone Treaty and the Outer Space Treaty of 1967, the Treaty on Non-Proliferation of Nuclear Weapons in 1969, and now shortly I hope, a Treaty Prohibiting the Emplacement of Nuclear Weapons on the Seabed. While none of these, by themselves, has had the effect of halting the spiralling arms race, each has contributed at least, to an expanding system of international agreement to control the proliferation of new weapons, or of old weapons into new environments, which offers some hope for the future. The hope can materialize, however, only if these arms control measures are followed-up with imagination and energy during the Disarmament Decade. In other words, so far we have had more success with progress in preventive rather than curative measures in dealing with the continuing arms race.

We are encouraged to believe that further progress is possible, in part because the super powers have demonstrated their intention to enter an era of negotiation rather than confrontation. This development is consistent with an increasing realization of the futility of the nuclear arms race, risking as it does improvements in weaponry that could pose a threat to the long-term stability of the balance of deterrence on which the peace of the world so uneasily rests. The efforts to bring the spiralling arms race under control by global as well as regional measures, also coincide with a widespread recognition of the waste of resources involved and a desire to channel more of man's capabilities into economic and social development, which more and more nations recognize as the true basis on which a stable peace can be built.



As the report of the Committee on Disarmament makes clear, the governments directly involved in arms control negotiations have continued to assign the highest priority to efforts to halt the nuclear arms race, an objective to which this body, also, has directed the Committee on Disarmament to concentrate its attention. The final declaration of the 25th Anniversary Session, also, calls on all governments to move "forward from arms limitation to reduction of armaments and disarmament everywhere, particularly in the nuclear field".

During the past year, we have witnessed two major steps forward in this regard. The initiation of direct negotiations between the USA and the USSR on the limitation of strategic arms represents the most promising development to date in the struggle to achieve effective arms control and provides an auspicious beginning for the Disarmament Decade. The concerns of the international community are invested in these crucial negotiations and we all eagerly hope that they will permit the nuclear powers eventually to impose a halt on the nuclear arms race, before the point of no return has been passed.

The other major achievement in this field during the past year was the entry into force on March 5 of the Nuclear Non-Proliferation Treaty. Canada was among the first to sign and ratify that Treaty, the culmination of more than five years of negotiations. The Treaty, represents a recognition by its Parties of the importance of bringing into being a regime to ensure that no additional powers develop nuclear weapon capability and thus add greater weight to the nuclear sword of Damocles that hangs over our world. I should like to make clear at this stage, however, that, important as the entry into force of the Nuclear Non-Proliferation Treaty undoubtedly is, the problem of nuclear





proliferation will remain in existence unless the Treaty is acceded to by all powers with the technological capacity to produce nuclear weapons.

But we must agree with Samuel Johnson that: "Example is more efficacious than precept". No better example could be set by the super powers at this time, than an increased effort to ban all nuclear testing. For unless the Treaty becomes all-embracing, the objectives which it is designed to meet will remain in part unfulfilled. For this reason, the adherence of China as well as of France to the disarmament negotiations generally and to the Nuclear Non-Proliferation and Partial Test Ban Treaties in particular, is in our view essential in the long run.

#### Comprehensive Test Ban and Seismic Exchange

The two encouraging achievements to which I have just referred, are obviously related to, and highlight the importance of, negotiation of a Comprehensive Test Ban. If any further emphasis were required of the importance of halting testing, it was provided as the Secretary-General pointed out at the close of the Commemorative Session, in the fact that the opening of that Commemorative Session was marked by major nuclear weapons tests by three of the world's nuclear powers. The Partial Test Ban of 1963 represented the best possible compromise step towards the total prohibition of testing at that time, but the Partial Test Ban has not served to curtail the nuclear arms race. In this regard the last session of the Assembly approved two resolutions, 2604A and 2604B which underlined the urgent need of the cessation of nuclear and thermonuclear tests.



We recognize that progress towards a complete ban on testing depends in the first instance on an improvement in international relations especially among the nuclear powers. Pending the evolution of a political climate in which a decision can be made to ban further testing, we have urged that the most constructive approach within the Committee on Disarmament, and elsewhere, would be to study ways to narrow the existing difference of opinion on the means of providing effective assurance that all countries are complying with any comprehensive test ban.

As a negotiating body, the Committee on Disarmament has an obligation when faced with important variances of views on the question of verification, to seek to render the problem into a negotiable form, taking into account both the technical and political aspects concerned. This the Committee on Disarmament has been attempting to do, both through formal statements of position by members and more particularly through informal sessions with experts present. In carrying out this task it was not surprising that the Committee on Disarmament turned its attention to the possibilities offered by an effective international exchange of seismic data which is directly relevant to the detection and identification of underground nuclear tests by seismological means.

The last session of the General Assembly, recognizing the importance of effecting progress in this clarification process, adopted Resolution 2604A by an overwhelming majority, asking the Secretary-General to transmit to governments a questionnaire concerning "the provision of certain information in the context of the creation of a world-wide exchange of seismological data which would facilitate the achievement of a comprehensive test ban".



The purpose of that questionnaire, as set out in the annex of the resolution was to assist "in clarifying what resources would be available for the eventual establishment of an effective world-wide exchange of seismological information" which information will obviously prove invaluable - indeed essential - in negotiating any comprehensive test ban or any other measures to supplement the Partial Test Ban. The results so far have been most encouraging, in that more than 85 countries have replied, from all different parts of the world, the large majority in a positive and informative fashion.

The results of the first 50 or so replies to the questionnaire have already been analysed by Canadian scientists, and a preliminary assessment of them was circulated to members of the Committee on Disarmament in Geneva. These scientists are now engaged in updating this analysis in order to obtain a more complete assessment of the world's present seismological identification capabilities.

There appears to be a growing recognition of the potential role of seismological data-exchange, on a guaranteed basis, in facilitating the verification of any underground test ban and thus promoting the long-sought agreement on this question. Alternatively, the international exchange of seismic data on an assured availability basis might contribute to a threshold treaty which would at least impose a limit on the size of the tests carried out, in the event that agreement on this basis were to appear to be negotiable to the nuclear powers directly concerned.





In this regard, we hope very shortly to table in this Committee, in company with other like-minded delegations, a draft resolution which may serve as a useful focus for support for further progress in clarifying the potential role of a seismic data exchange system in the verification process of a comprehensive ban. In our view such an exchange system will surely be an essential part of any verification proposal designed to overcome the disagreement between the nuclear powers on this issue.

#### Seabed Disarmament

Another measure designed to impose controls on nuclear weapons and other weapons of mass destruction is the Seabed Arms Control Treaty, a revised draft of which is appended to the report of the Conference of the Committee on Disarmament. The Seabed Treaty is in at least one respect similar to the Outer Space Treaty in that it is designed to preclude the extension of the nuclear arms race into an environment newly opened up by the world's rapidly advancing technology. In addition to its arms limitation functions, we consider that the treaty is important for its contribution to opening up vast areas of the seabed for peaceful development. It constitutes, we recognize, the major achievement of the CCD in the session just concluded.

It must, I believe, be recognized as evidence that the expanded Committee on Disarmament has proven itself to be a viable and effective forum for the discussion of arms control issues, as demonstrated by the fact that additional changes have been made to the Seabed Treaty in order to meet concerns expressed last year. The draft represents the most successful negotiation to date in which not only the Co-Chairmen,



but all the other delegations at the Conference of the Committee on Disarmament have participated fully while protecting their interests. Compromises were extracted from all parties and the final product is the better for the process.

In response to General Assembly Resolution 2602F(XIV) calling on the CCD to continue its work on a treaty to prohibit the emplacement of weapons of mass destruction on the seabed, taking into account the proposals and suggestions made here last year, much of the last session of the CCD was devoted to this topic. Members will recall that, last year, the Canadian Delegation was among those calling for further modifications to the draft treaty which had been submitted to the XXIVth Assembly. The particular concern of the Canadian Delegation was that the treaty should give all parties reasonable assurances of compliance and take into account the rights of coastal states. Therefore, we concentrated our efforts, in co-operation with many other delegations, in attempting to devise verification procedures which would ensure that all states, great or small, technologically developed, or developing, would have the right to initiate the verification process and to obtain assistance, either bilaterally or through resort to an appropriate international mechanism, in carrying out verification. We also sought language in article III that would ensure that the special rights and interests of coastal states as recognized in international law could not in any way be encroached upon as a result of the provisions of this treaty.



In two revised drafts, tabled by the Co-Chairmen in the CCD on April 23 and September 1, amendments were effected in the treaty which were designed to gain for it the widespread adherence of governments necessary to make it an internationally effective arms control agreement. Nevertheless, members of the CCD continued to express the opinion that the draft could be further improved.

The draft before us represents, in our opinion, a real effort to meet the views of CCD and JICA members in regard to the issues concerned. Canada considers the amendments to Article III satisfactory and in particular welcomes the revisions in paragraph 5 providing for international assistance in the verification procedure "through appropriate international procedures within the framework of the United Nations and in accordance with its Charter". This compromise wording was worked out by nine Non-Aligned delegations at the CCD and I should again like to express our appreciation to them for their efforts in improving the original Canadian proposals.

We recognize of course that the text as it now exists represents a carefully balanced and negotiated compromise which involved months of concentrated efforts by all members of the CCD. We hope that it will prove generally acceptable to other delegations and recommend its approval in its present form in order that it may be opened for signature during this first year of the Disarmament Decade.

Chemical and Biological (bacteriological) Weapons

On another disarmament issue, during the past year the Committee on Disarmament has continued its detailed study and discussion on measures to ban the development, production and stockpiling of chemical and biological weapons to supplement and strengthen the Geneva Protocol



of 1925. These efforts were directed to the object of clarifying areas of concern or confusion, as well as avenues that might usefully be further explored. As part of this process, the Canadian Delegation to the Conference of the Committee on Disarmament on March 24 of this year provided that body with a declaration of Canadian policy and intentions with respect to chemical and biological warfare. We did this in the belief, not that this could in any effective way substitute for a binding international convention, but that such a step would assist in the development of a consensus upon which could be based further negotiations, and would thus contribute to the cause of arms control and disarmament.

The discussions during this period appeared to indicate some measure of agreement that the problem of verification required particular attention. Most delegations in the Committee on Disarmament appear also to accept the thesis that verification by challenge is the only feasible verification procedure then can logically be considered for biological agents. Clearly, however, chemical weapons pose problems of a different dimension. Moreover, in as much as measures additional to verification by challenge are deemed necessary for chemical weapons, it becomes evident that there would be a requirement for both national and international procedures. It has not yet proven possible however to determine precisely what form these measures might take. A further definition of these procedures remains one of the high priority items for consideration in the Conference of the Committee on Disarmament.

In addition to various background documents such as the Report of the Secretary-General entitled Chemical and Bacteriological (Biological) Weapons and the Effects of their Possible Use and the report of the World





Health Organization entitled The Health Effects of Possible Use of Chemical and Biological Weapons, the Committee on Disarmament has before it a draft Convention on Biological Weapons submitted by the Delegation of the United Kingdom (CCD 255/Rev.2) and a draft convention on chemical and biological weapons submitted by nine Socialist states to this session of the United Nations General Assembly (A/8136).

During our debate in Geneva this last year differing opinions were again expressed on whether the problems of the prohibition of research, development, production and stockpiling of chemical and biological weapons should be considered simultaneously, or separately and whether any eventual treaty should attempt to cover both types of weapons. Our view continues to be that high priority should be given to efforts to prohibit both but that difficulties in making progress on one should not rule out progress on the other.

In the limited time available to us in this Committee this year, we doubt whether, even after a general discussion of the various issues involved in the negotiations to ban these weapons, it would be possible for the General Assembly to make substantive decisions, particularly having regard to basic differences of opinion that have prevented more substantial progress in the CCD. We would hope, therefore, that after reviewing the important problems associated with efforts to negotiate an extension of the existing ban on the use of these awesome weapons, the Assembly will request that the Committee on Disarmament continue its study of all the issues involved. We believe that our efforts in the CCD should be concentrated in resolving what has proven to be the most intractable problem, that of international



verification measures, especially in relation to those chemical elements which have not only a military potential, but are in common use for commercial purposes, taking into account the useful proposal in this respect contained in the memorandum of the Group of Twelve (COD/310).

Disarmament Decade and General and Complete Disarmament

The XXIVth Session of the United Nations General Assembly approved Resolution 2602E which requested the Conference of the Committee on Disarmament to work out "a comprehensive programme dealing with all aspects of the problem of the cessation of the arms race and general and complete disarmament under effective international control, which would provide the Conference with a guideline to chart the course of its further work and its negotiations".

Canada supported this resolution and welcomed designation of the 1970's as a Disarmament Decade, since we considered that these initiatives might serve as additional incentives, during the next ten years, to achieve progress on effective measures of arms control and disarmament. The Committee has, since its inception, accepted as its ultimate goal, the attainment of general and complete disarmament and the renewed emphasis on this, as a result of these resolutions has, I believe, provided a climate conducive to progress. The Committee has demonstrated an increasing awareness of the fact that our present concentration on urgent, specific collateral measures should be viewed as part of a pattern of progress towards our long-term objective.



The report of the Committee on Disarmament including a series of working papers appended to it, provides an indication of the attention which the conference focussed on the task assigned to it of developing a comprehensive programme. The complexities involved, the compromises required and the necessity of assigning top priority to specific arms control negotiations before the Committee made it impossible for the last Conference to come to any clear consensus on the programme issue. There was, moreover, a general feeling among delegations that the Conference should not revert to the polemical debates of the early 1960's, nor should it become bogged down in a discussion of priorities or a delineation of "successive phases".

The most constructive approach would appear to involve the identification of positive developments to date, and the enumeration of specific arms control measures which might be considered ripe for progress. Setting of timetables and target dates would not in our view contribute to the achievement of such a programme. We should be clear as to our aims, but flexible as to methods, having in mind the inter-relationship between arms control and disarmament and the international climate.

On the basis of this approach, the draft comprehensive programme tabled in the Conference on August 27 by Mexico, Sweden and Yugoslavia appears generally to place the issues in a logical framework and represents, in our view, a realistic effort to find an acceptable compromise formula. There are some aspects of it which we would wish to see changed, but on the whole, this draft programme offers a basis for realistic negotiations during this session. It is our understanding that the authors of this constructive proposal are willing to discuss





their draft with others, in an attempt to arrive at a formulation which will elicit widespread support at this Assembly and which could serve as viable guidelines for the work of the Committee in future.

#### Conclusion

"Hope", it has been said "is the poor man's bread". We in the CCD have learned to realize that in the field of arms control and disarmament, where so much depends on the great power relationships, "better is half a loaf than no bread". In this light, the significance of the progress made last year on the Seabed Arms Control Treaty as well as in clarifying some of the basic elements involved in verifying a Comprehensive Test Ban through seismic co-operation, and a ban on the development, production and stockpiling of CBW, should not be underrated.

The Canadian Delegation will lend its best efforts to consolidate the progress already made in the CCD during the discussions in this Committee. It is our hope that we can lay firm foundations, through consensus, for progress at the next session of the CCD, particularly on a comprehensive programme, and on agreements to ban nuclear weapons testing and the development, production and stockpiling of chemical or biological weapons.



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Press release No. 30  
4 November 1970

Statement in explanation of vote on Apartheid  
resolutions made by H.E. Mr. Yvon Beaulne,  
Permanent Representative of Canada, in the  
Special Political Committee.

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Communiqué n° 30  
Le 4 novembre 1970.

Déclaration du Représentant permanent du  
Canada, Son Exc. M. Yvon Beaulne, en  
explication du vote sur les résolutions  
traitant de l'apartheid à la Commission  
politique spéciale.

VERIFIER LORS DU DISCOURS

**CANADIAN DELEGATION  
TO THE UNITED NATIONS**

**DELEGATION DU CANADA  
AUPRES DES NATIONS UNIES**



## EXPLANATION OF VOTE

In explaining its vote on the resolutions before us, the Canadian Delegation wishes to re-emphasize the strong revulsion which the Canadian Government and people feel against the miserable system of apartheid and the systematic denial of human rights it involves. These Canadian views are well known and are today reflected in our support for draft resolutions L183, L184, L186 and L187. We should point out that we interpret resolution L184 as not involving any assistance for armed struggle. We must abstain on resolution L185 because we have reservations about the arrangements described in paragraph 5 concerning broadcasts to Southern Africa. We regret this as we favour other measures within that resolution concerning dissemination of information which is a useful way to increase international pressure on the South African Government.

In general, the Canadian Delegation favours a wide variety of measures, including arms embargo, designed to combat apartheid through peaceful means.

On November 2, the Canadian Secretary of State for External Affairs announced to the House of Commons in Ottawa that the Government of Canada had been reviewing its policy with regard to the application of an embargo against the export of arms to South Africa. This review was undertaken as a result of Security Council Resolution 282 of July 23, which elaborated upon the terms of the Council's 1963 resolutions on this subject. Since the latest resolution went beyond the terms of the arms embargo as originally established, thorough consideration was called for to determine what steps the government should take in



compliance with the terms of the new Security Council resolution.

The Canadian Government has, since 1963, applied a general embargo on arms exports to South Africa. Exceptions were made, however, to allow for shipment of maintenance spares for equipment supplied before 1963 resolutions were adopted as well as for the export of certain aircraft piston engines and spares for them.

In light of the review just completed, the government has decided that, henceforth, the supply of all vehicles and equipment, and the supply of spare parts for vehicles and equipment for use of armed forces and paramilitary organizations of the Republic of South Africa will be prohibited. In addition, certain aircraft piston engines and maintenance spares for such engines, previously exempted from the government's application of embargo, will no longer be supplied for military use by armed forces or paramilitary organizations in South Africa.

Therefore if resolution 2624 (XXV), concerning the Security Council resolution 282 of July 23, which was voted on in this Committee on October 9 and by Plenary on October 13 were before this Committee today, the Canadian Delegation would be able to vote for it. Our previous abstention was only necessitated by the fact that the Canadian Government's review of the subject had not been completed at that time.





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Government  
Publication

Press Release No. 32

Monday, November 9, 1970

Statement made by the Permanent Canadian Representative, H.E. Mr. Yvon Beaulne on Rationalization of the Procedures and Organization of the General Assembly.

CHECK AGAINST DELIVERY

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Communiqué de presse no. 32

Le lundi 9 novembre 1970

Déclaration prononcée par le représentant permanent du Canada, S.E. M. Yvon Beaulne sur la Rationalisation des procédures et de l'organisation de l'Assemblée générale.

VERIFIER LORS DU DISCOURS

**CANADIAN DELEGATION  
TO THE UNITED NATIONS**

**DELEGATION DU CANADA  
AUPRES DES NATIONS UNIES**

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Introduction in Plenary of Draft Resolution  
entitled "Rationalization of the Procedures  
and Organization of the General Assembly"

The revised draft resolution, contained in Document A/L.601 (Rev.2) of November 5, 1970, entitled "Rationalization of the Procedures and Organization of the General Assembly", has been co-sponsored by 28 Member States from various regions. In addition to the co-sponsors listed in the draft resolution, the following countries should be included - Argentina, Barbados, Burundi and Guyana.

The way in which the United Nations and particularly the General Assembly carry out their work has given rise to sharp criticism in recent years. The number of member states of the United Nations has more than doubled in the past quarter of a century and the United Nations has assumed responsibilities in the field of social and economic development of a magnitude not foreseen when the Charter was adopted. Practices, on the other hand, have continued almost without change since the earliest days of the organization. While changes in procedure and organization cannot of themselves improve the quality of the General Assembly's performance, they can enable the will of the Assembly to be translated into action more swiftly, accurately and effectively.

We recognize that the fundamental problems of peace and security and economic development will remain **the most important** among those with which the United Nations must deal in the future, as in the past. But the General Assembly must also devote increasing attention to other problems of immense concern to peoples everywhere. In the last few years alone we have taken up the whole complex of issues raised by the

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peaceful uses of the seabed and ocean floor beyond the limits of national jurisdiction; the peaceful uses of outer space; and the progressive development of international law. It is to be expected that problems of population and the environment, to mention only those, will demand more and more of our time and our energies.

Last December the Canadian Delegation requested the Inscription of an Item on the agenda of the present session, the purpose of which would be to study ways and means of making the General Assembly a more effective instrument for dealing with the problems of the 1970's. Over the past six months, the co-sponsors of the present draft resolution consulted the permanent members of the Security Council and subsequently met with representatives of all regions. They have reason to believe that this revised draft resolution, the original text of which has been repeatedly modified to take into account views of the majority of delegations, will meet with general approval.

The preamble of the draft resolution recognizes that the organization has grown in responsibilities and in membership and that the United Nations is being called upon increasingly to meet new challenges and undertake new initiatives. At the same time the preamble reminds us of the need to ensure that whatever measures of rationalization may be adopted, all important political and developmental items are discussed in appropriate forums and continue to receive full consideration.

The first operative paragraph requests the President of the General Assembly to establish a Special Committee of thirty-one representatives of Member States to study ways and means of improving the procedures and organization of the General Assembly, in accordance with the



provisions of the Charter, and to submit a report to the Assembly at its 26th session.

In considering the size of the proposed committee, the co-sponsors considered fifteen members as the minimum number required to provide reasonable geographic balance and effectiveness. Other groups felt that a larger committee would be necessary to provide proper representation and the co-sponsors amended their draft resolution to accommodate these views by increasing the size of the proposed committee to a maximum of thirty-one members. The interest shown in this initiative has been overwhelming and the co-sponsors have tried to reconcile as far as possible the views expressed by individual Member States and the various regional groups. In regard to the composition of the proposed committee the co-sponsors recommend that the President of the General Assembly consult with the regional groups in order to achieve a reasonable balance between them.

The second operative paragraph requests the Governments of Member States to give the Committee all assistance and to submit their views and suggestions to the Committee by February 28, 1971. In the third operative paragraph Specialized Agencies are requested to provide relevant information regarding their procedures. The fourth operative paragraph requests the Secretary-General to give the Committee every assistance in the performance of its task. The fifth operative paragraph authorizes the Committee to maintain and circulate summary records.

I want to make it abundantly clear, on behalf of the

/co-sponsors

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co-sponsors, that there is no intention of seeking any revision of the Charter by means of this procedure. Without prejudging the working arrangements of the proposed committee, we would envisage that it would proceed by consensus. Its recommendations would in any case be subject to endorsement by the next General Assembly.

It is also necessary to add, in case there should be any apprehension on this point, that the co-sponsors have no preconceived ideas as to any possible recommendation to the General Committee for reallocation of agenda items. They are fully aware of the delicacy of some of the issues that reallocation of items could raise. They have, for example, no desire to disrupt the distribution of responsibility in the Secretariat for the various main Committees or other bodies of the General Assembly.

The co-sponsors consider, nevertheless, that despite these sensitive issues, there remains ample scope for constructive work, which the experience of this crowded session makes it all the more apparent is vitally needed.

This proposal is a very modest one; it being understood that Member States would provide the members of the proposed committee at no cost to the United Nations organization, and if the committee schedules its meetings subject to availability of Secretariat staff resources there should be no requirement for additional appropriations.

In the circumstances, the co-sponsors hope that all delegations will find it possible to support the revised draft resolution.



CA1  
EA 75  
-C 55

Communiqué de presse n° 33  
Le lundi 9 novembre 1970

Déclaration prononcée par le Représentant  
permanent du Canada, Son Excellence M. Yvon  
Beaulne, à la réunion officieuse du Comité  
préparatoire pour la Conférence des Nations Unies  
sur le milieu humain.

VERIFIER LORS DU DISCOURS.

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Press release No. 33  
Monday, November 9, 1970

Statement made by the Permanent Canadian  
Representative, His Excellency Mr. Yvon Beaulne,  
at the informal meeting of the Preparatory  
Committee for the United Nations Conference  
on the human environment.

CHECK AGAINST DELIVERY

**CANADIAN DELEGATION  
TO THE UNITED NATIONS**

**DELEGATION DU CANADA  
AUPRES DES NATIONS UNIES**



Mr. Chairman,

Canada has been honoured by the appointment by the Secretary-General of Mr. Maurice Strong as Secretary-General of the 1972 Conference. We would like to assure Mr. Strong of our full support in completing the tremendous task he has undertaken. Mr. Strong will require all possible assistance to bring about a successful conference and we are particularly glad to note therefore that he will be available six weeks earlier than first announced. It is an urgent requirement that the conference be accorded a high priority within the United Nations and that it be given an adequate and flexible budget. We have followed with interest Mr. Strong's remarks and his plans to carry preparations forward. We feel that much has to be accomplished by both this short two-day meeting and the second session of the Preparatory Committee in February. My delegation would like to see this meeting conclude with firm statements on the following items which will give the Secretariat clear guidance for action:

- (1) The need to accord the 1972 Conference a high priority within the United Nations system in view of the ever increasing deterioration of the environment;
- (2) The need to ensure that the conference secretariat has adequate resources;
- (3) The need to obtain from the Secretariat and the Preparatory Committee a definite timetable of work between now and the conference;
- (4) The need for member countries to complete preparations for their

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national reports as soon as possible;

- (5) The need for the Secretariat on the basis of its development of the conference agenda between now and the February Preparatory Committee to request case studies from member countries and to give guidance as to their subject matter and format.

The agenda proposed by the Secretariat for the February Preparatory Committee appears to us to cover the vital matters which must be decided upon at that time. What is more important between now and February 1971 we look forward to receiving the Secretary-General's report which we would expect to contain, in particular, proposals on the following aspects of the conference agenda:

- (a) A draft declaration, agreements and conventions which might be presented or concluded at the conference and lead to specific action;
- (b) The subject areas to be discussed, and
- (c) The structure and organization of the conference.

Under (a), the Secretariat could for example give consideration to the possibility of international agreements on (i) monitoring and criteria of environmental quality; (ii) management of living resources, and (iii) pollution of the oceans. In addition there will of course be topics discussed at the conference which will not lend themselves to formal agreements. There will, of course, be discussions at what Mr. Strong calls the intellectual and conceptual level which will provide the necessary background for plans of action to flow from the Conference. I might remind you that at its first meeting the Preparatory Committee

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recommended that this material should cover the three subject areas:

- (i) Environmental aspects of human settlements;
- (ii) Rational management of natural resources;
- (iii) Environmental degradation from pollution and nuisances.

It is our belief that the 1972 Conference should be on a truly global scale with developing and developed countries participating fully. To help bring this about the Canadian Government is willing to offer assistance to developing countries in terms of both manpower and funds in preparing national reports and case studies. We would be glad to receive requests from any countries interested in this kind of assistance and would hope that the Secretariat would facilitate the process by identifying appropriate projects. This supports the strongly held Canadian view that the aims of economic development and the preservation of the environment are not in conflict. Rather, they are complementary, and reinforce each other because they are both directed towards enhancing the quality of human life.

I do not wish to take up any more of our limited time but I would say in conclusion that if the Conference Secretariat is to prepare the extensive documentation suggested by the Preparatory Committee it will need the full support of this Committee and of member governments. We are very conscious of the important role the specialized agencies, regional economic commissions (here I am thinking of the Prague Conference) and other United Nations bodies are playing in preparing for the Conference and would hope they will continue to assist the Secretariat in every way possible. In addition we would hope that the Secretariat will make full use of the expert consultants suggested by Canada and other countries.



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Government  
Publication

Press Release No. 34  
Tuesday, November 10, 1970

Statement in the Sixth Committee on  
Hijacking by the Canadian Representative,  
Mr. J.A. Beesley.

CHECK AGAINST DELIVERY

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Communiqué No. 34  
Le mardi 10 novembre 1970

Déclaration prononcée par  
Mr. J.A. Beesley, représentant canadien  
à la Sixième Commission sur le déroutement  
par la force d'aéronefs civils en vol.

VERIFIER LORS DU DISCOURS

**CANADIAN DELEGATION  
TO THE UNITED NATIONS**

**DELEGATION DU CANADA  
AUPRES DES NATIONS UNIES**



Mr. Chairman,

My delegation is a co-sponsor of the Resolution before us because Canada believes that aerial hijacking and other acts of unlawful interference with international civil aviation pose a grave threat to the safe and orderly development of civil air transport and it is, therefore, a subject of serious concern to the international community. It will be recalled that the Canadian delegation was also a co-sponsor of Resolution 2551 on the forcible diversion of civil aircraft in flight adopted in the XXIV UNGA last year. Regrettably since that time, there has been a number of incidents which have placed more civilian lives in jeopardy and undermined the confidence of the public in air travel to a greater extent than ever before. The world community is justifiably concerned about this serious problem and looks now to the General Assembly to condemn such reprehensible acts and to point the way to deterring and preventing such acts in the future so that the innocent public can travel between lands without fear.

It is clear to my delegation that the means to combat this

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lawlessness in the skies must take the form of energetic and forceful efforts to implement efficient security measures with respect to aviation facilities and to develop internationally agreed measures to deter and prevent unlawful interference with civil air transport. In this latter connection the United Nations has a significant role to play as does the International Civil Aviation Organization. The United Nations General Assembly Resolution just referred to and the Security Council Resolution 286 of September 9 on Interference with International Civil Air Travel have had an important influence in furthering the development of the international legal framework. Recently, the International Civil Aviation Organization has also acted on a number of fronts to deal with the increasing threat to international air safety. In particular it has elaborated a new Draft Treaty on the Unlawful Interference with International Civil Aviation (other than hijacking) and has taken the landmark decision of "calling upon contracting states, in order to ensure the safety and security of

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international civil air transport, upon the request of a contracting state to consult together immediately with a view to deciding what joint action should be undertaken, in accordance with international law, without excluding measures such as suspension of international civil air transport services to and from any state which, after unlawful seizure of aircraft, detains passengers, crew and aircraft or fails to extradite or prosecute persons committing acts of unlawful seizure". Operative paragraph 8 (formerly operative paragraph 7) takes into account this far-reaching decision of the International Civil Aviation Organization.

It is the view of the Canadian delegation that the present resolution which clearly condemns hijacking and interference with civil air travel by threat or use of force and acts of violence against civil air transport, and which calls upon and urges specific action on the part of states, deserves the widest possible support. Accordingly, we are gratified that a generally favourable consensus prevails once again

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in this Committee in support of this important resolution which will serve to further and enhance international efforts to combat menace presented by illegal acts directed against international civil aviation.



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Communiqué de presse No. 35  
Le vendredi 13 novembre 1970

Déclaration prononcée par Son Exc. M. Yvon  
Beaulne, Représentant permanent du Canada  
auprès des Nations Unies, sur l'item 97:  
Le rétablissement des droits légitimes de  
la République Populaire de Chine à  
l'Organisation des Nations Unies.

VERIFIER LORS DU DISCOURS.

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Press release no. 35  
Friday, November 13, 1970

Statement made by His Exc. Mr. Yvon Beaulne,  
Permanent Representative of Canada to the  
United Nations, on Item 97: Restoration of  
the lawful rights of the People's Republic  
of China in the United Nations.

CHECK AGAINST DELIVERY.

**CANADIAN DELEGATION  
TO THE UNITED NATIONS**

**DELEGATION DU CANADA  
AUPRES DES NATIONS UNIES**



Mr. Chairman,

One of the most important developments in Canadian external relations in recent years has been our agreement with the Peoples Republic of China on mutual recognition and the establishment of diplomatic relations effective October 13. The Canadian Government believes that the Government of the Peoples Republic should occupy the seat of China in the United Nations. We look forward especially to the day when the Peoples Republic will be seated in this Assembly and in the Security Council. We will accordingly vote in favour of the Draft Resolution contained in A/L.605.

Over the years that the question of filling the seat of China has been considered in the Assembly, Canada has voted in favour of resolutions similar to that contained in A/L.599. The question of who shall speak for 700 million people, indeed the question of whether they are to be represented at all in the United Nations and its principal organs, including the Security Council, is obviously of the utmost importance. The exclusion of the representatives of the Peoples Republic has hampered the United Nations in fulfilling its role as a centre for harmonizing the action of nations. From statements made over the years, it is obvious that the general consensus of the membership is that the question is an important one. Canada's vote in the past has not been a procedural tactic designed to frustrate the will of the majority of the membership. In supporting this Resolution our purpose has been to ensure that a decision on a question which is important, per se, does indeed reflect the considered judgement of a significant proportion of the membership.





My Delegation will, therefore, on this occasion vote in favour of the Resolution in Document A/L.599. I wish to make it clear, however, that if, in our judgement, continued support of such a Resolution could in the future frustrate the will of the General Assembly, my Government will change its position.



CA1  
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Gouvernement  
Publications

Press release No. 36  
24 November 1970

Statement in explanation of vote on Apartheid resolutions made by Mr. D.C. Reece, Minister and Deputy Permanent Representative of Canada, in the Special Political Committee.

CHECK AGAINST DELIVERY

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Communiqué No. 36  
Le 24 novembre 1970

Déclaration de M. D.C. Reece, Ministre et Représentant permanent suppléant du Canada, en explication du vote sur les résolutions traitant de l'apartheid à la Commission politique spéciale.

VERIFIER LORS DU DISCOURS

**CANADIAN DELEGATION  
TO THE UNITED NATIONS**

**DELEGATION DU CANADA  
AUPRES DES NATIONS UNIES**



Mr. Chairman:

The Canadian Delegation has been able to support a number of resolutions placed before the Assembly on the question of apartheid, including resolution L.185 on the dissemination of information which we were pleased to support since my Delegation believes that this is a useful method of combatting apartheid. We were grateful to the cosponsors of L.185 for the spirit of accommodation and compromise they displayed in accepting our clarifying amendment which makes plain the principle that the U.N. should retain editorial control and responsibility over material broadcast by or through other organizations with U.N. support or assistance.

My Delegation regrets that resolution L.188 was not formulated in terms which would enable us to vote for it. We had therefore to abstain. The resolution contained some paragraphs that the Canadian Delegation could support; however there were a number of other clauses about which we have serious reservations.

For example, Canada does not support moves to isolate South Africa from the world community, since it believes that this would only result in making South Africa more determined to pursue its abhorrent racial policies. We could not vote in favour of the sort of action called for in operative paragraph 6 in this resolution, which, in calling the attention of the Security Council to the situation in South Africa and in Southern Africa, recommended that the Council resume urgently the consideration of effective measures including those under chapter VII of Charter. My Delegation believes that it is the prerogative of the Security Council to determine if a situation requiring action under chapter



VII exists, and, if so, to decide upon the precise nature of the response required. The Security Council has made no such judgement about the situation in South Africa and in our view it is therefore inappropriate to suggest chapter VII action at this time.

The General Assembly is well aware of Canada's unalterable opposition to apartheid, and of our support for various practicable and effective measures to combat it. Some days ago my Delegation mentioned the decision taken by the Canadian Government to comply with Security Council Resolution 282 which elaborated on the terms of the Council's 1963 resolutions on the application of an embargo against the export of arms to South Africa.

We support other measures to combat apartheid through peaceful means. However, my Delegation believes that the answer to the problem of apartheid does not lie in armed conflict. We could not therefore support action possibly tending to encourage developments which might lead to an outbreak of a violent conflict in South Africa and Southern Africa, with incalculable consequences for people of all races living in the region.





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Press release No. 37  
Tuesday, November 17, 1970

Statement by Ambassador George Ignatieff,  
Representative of Canada to the XXVth Session  
of the United Nations General Assembly on  
Agenda Item 29 - CTB

*Complete text in French*

CHECK AGAINST DELIVERY

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Communiqué n° 37  
Le mardi 17 novembre 1970

Déclaration de l'Ambassadeur George Ignatieff,  
Représentant du Canada à la XXVe session de  
l'Assemblée générale des Nations Unies sur le  
point 29 de l'ordre du jour - Interdiction  
complète des essais nucléaires.

VERIFIER LOIS DU DISCOURS

**CANADIAN DELEGATION  
TO THE UNITED NATIONS**

**DELEGATION DU CANADA  
AUPRES DES NATIONS UNIES**



Statement by Ambassador George Ignatieff  
Representative of Canada to the  
XXVth Session of the United Nations General Assembly  
November 18, 1970

Agenda Item 29 - CTB

Mr. Chairman,

When I spoke in the General Debate on November 2, I indicated that the Canadian Delegation would very shortly table in this Committee, in company with other like-minded delegations, a draft resolution which might serve as "a useful focus for support for further progress in clarifying the potential role of a seismic data exchange system in the verification process of a comprehensive ban".

In order to facilitate further consideration of this proposal which is, as I said, designed to try to overcome disagreement between nuclear powers on verification of a ban on nuclear testing, we submitted the draft text of a resolution (L/529) in the name of 30 delegations on November 11. We are much heartened by the support we have received from other delegations so far and are pleased to note that there are now a total of 36 co-sponsors.

We consider that this resolution should be regarded as complement to resolution L/530 submitted on CTB on November 11 by nine Non-Aligned Delegations, a resolution which we support.

We realize also, as the distinguished Delegate of Nigeria pointed out in his closely reasoned statement of November 6, that the conclusion of any disarmament agreement is principally a political action and therefore presupposes the existence of a necessary political



will on the part of all concerned. But, as he also stressed, assurance of the reliability or credibility of the control system is a necessary and important contributory factor.

These are indeed the reasons why Canada, together with other co-sponsors, took the initiative at the last Assembly to seek information on the willingness of governments to co-operate in a world wide seismic data exchange. The result of this initiative was the questionnaire circulated by the Secretary-General which sought information concerning the quantity and quality of seismic data which national seismological stations could produce and which governments would be prepared to make available on an assured basis, to facilitate the verification of a ban on underground nuclear testing.

The information submitted in response to this questionnaire was, as I mentioned in my statement of November 2, analysed in detail by Canadian seismologists and a preliminary assessment of it was circulated last summer at the CCD. A more complete scientific study, incorporating all returns and expanding technical argumentation, is now being prepared by Canadian seismologists and we hope to circulate copies of this assessment to all delegations before the end of the current United Nations General Assembly. In this study, using the data quoted in the United Nations returns and published in open literature, the capability of each conventional and array station is described in terms of its ability to detect P waves or body waves and rayleigh waves or surface waves as a function of the distance from the event. A very brief and oversimplified summary of the results and conclusions of this assessment is that the global system of stations



produces proven detection, location and identification of underground nuclear explosions down to yields of about 60 kilotons in hardrock. In most of the northern hemisphere the threshold is 10-20 kilotons for certain test sites only, and this lower threshold cannot be reached on a global basis with this ensemble of stations. The study is completed by a number of recommendations which, with very little financial commitment, will provide some basic data required to define the existing capabilities better and that may significantly improve them.

National capabilities moreover could be improved through the development of more technologically advanced scientific equipment. It is for this reason that operative para 2 of Resolution L/529 urges governments to "consider and wherever possible implement methods of improving their capability to contribute high quality seismic data". In this regard I might mention that the Canadian Government for its part, has now initiated a study project which seeks to further develop technical knowledge for seismological detection techniques.

The resolution goes further in inviting governments in a position to do so to consider assistance in the improvement of world wide seismological capabilities. I am sure that my colleagues noted the example set by Ambassador Tanaka of Japan on November 4, when he said that it is "the intention of the Japanese Government to strive to improve the network of observatories in Japan and to contribute as far as possible to international co-operation in this field".

I believe that it is universally recognized that the international exchange of seismic data must play a role in ensuring compliance with whatever international agreement or agreements may be negotiated to supplement the Moscow Partial Test Ban Treaty. It is for this reason





that this resolution invites members of the Conference of the Committee on Disarmament to co-operate in further study of this issue. In this way, when the international political situation permits a decision on a further ban on nuclear testing to be taken, the essential preliminary study of the basic aspects of verification procedure and availability of seismic information will have been completed. I hope that members of this Assembly will agree that this objective is a valid one.

The essence of the problem in trying to bring an end to nuclear and thermonuclear testing as in other important disarmament measures as the distinguished representative of Malta reminded us last week is confidence. International confidence, if it does not exist has to be built up block by block. - It is to this end that the proposal to continue our work in the CCD in trying to improve the world wide exchange of seismic information is directed. I hope that, for the reasons I have given, Resolution AC/1/L.529 will receive the general support which we believe it merits.



CA1  
EA 75  
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Communiqué n° 39  
Le mercredi 18 novembre 1970

Déclaration prononcée par Son Excellence M.  
Yvon Beaulne, Ambassadeur et Représentant  
Permanent du Canada auprès des Nations Unies,  
à propos de l'examen du point 47: Respect des  
droits de l'homme en période de conflits armés.

VERIFIER LORS DU DISCOURS.

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Press release No. 39  
Wednesday, November 18, 1970

Statement made by His Excellency Mr. Yvon  
Beaulne, Ambassador and Permanent Representative  
of Canada to the United Nations, on Agenda  
Item 47: Respect for Human Rights in Armed  
Conflicts.

CHECK AGAINST DELIVERY.

**CANADIAN DELEGATION  
TO THE UNITED NATIONS**

**DELEGATION DU CANADA  
AUPRES DES NATIONS UNIES**



Madam Chairman,

Maintenance of international peace and security is the primary and basic purpose of this Organization. The United Nations have managed, it is true, to avoid a third world conflict, but conflicts of a more limited nature have sprung up here and there and their persistence is a cause of grievance to all men of good will. It is this somber reality that the International Conference on Human Rights held in Teheran underlined in its Resolution XXIII concerning human rights in armed conflicts. The first paragraph of the resolution states that "peace is the underlying condition for the full observance of human rights and war is their negation."

To talk of respect for human rights in time of war does seem a bit paradoxical. But this paradox, although it may reflect the contemporary situation in a rather brutal way at times, nevertheless represents a step forward in humanity's long trek towards the full observance, at all times and in all places, of the dignity and liberty of the individual.

General Assembly Resolution 2444 (XXIII) endorses the terms of Teheran Resolution XXIII and proposes a veritable work programme to the Secretary-General based on the principle that "the right of the parties to a conflict to adopt means of injuring the enemy is not unlimited" and that the civilians in particular must suffer as little as possible from the effects of armed conflicts.

In this resolution, the Secretary-General is invited to study, in consultation with the International Committee of the Red Cross:



1) steps which could be taken to secure the better application of existing humanitarian international conventions and rules; 2) the need for additional humanitarian international conventions or for other appropriate legal instruments to ensure the better protection among others of civilians and prisoners in all armed conflicts and the prohibition and limitation of the use of certain methods and means of warfare (operative paragraph 2 of Resolution 2444 - XXIII).

This study has been completed by the Secretary-General and, may we add, it is a job very well done. The two reports which he produced (documents A/7720 and A/8052), of which the last one takes into account General Assembly Resolution 2597 (XXIV), will prove to be, we are convinced, a precious asset for an effective application and progressive development of international humanitarian law.

As the Secretary-General declared in paragraph 13 of Report A/8052, humanitarian motives alone, independent of any political considerations, must guide the General Assembly in its examination of the question of respect for human rights in armed conflicts. It is undoubtedly the only way of dealing with it seriously and all things considered, the only way one can hope to provide adequate minimum protection to the various categories of persons affected by armed conflicts, particularly the civilians.

In line with the programmes set out for him by resolutions 2444 (XXIII) and 2597 (XXIV), the Secretary-General examines in his two reports a series of questions the extreme complexity of which well illustrates the care and expertise which is needed to deal with them.





We do not have the intention nor the time to comment on all the chapters, which are presently being carefully examined by the Canadian Government. After a few brief remarks on the chapters dealing with the application of existing international conventions and regulations, as well as on others concerning the formulation of new regulations, we will indicate how we view a long term global study of the problem.

The Canadian delegation fully supports the opinion of the Secretary-General that the text of the existing four Geneva Conventions of 1949 should, as far as possible, remain untouched. At this time, the effort of the international community should be concentrated on ways of better applying them. My delegation also adheres without reservation to the spirit of Chapter XII entitled, "Better Application and Reaffirmation of Humanitarian International Conventions and Rules." We will never insist too much on the need to make these conventions and rules better known by popularizing them, as well as the fundamental principles which derive from them. These are excellent means of ensuring their effective application which also depends on better methods of control.

In Chapter XI, the Secretary-General indicates the very weakness of this control system set up under the Geneva Conventions of 1949, and he concludes that there is a need "for measures to improve and strengthen the present system of international supervision..." We share his opinion and the Canadian Government is also considering this aspect of the question.

Chapter III of the Report, which deals with the protection of human rights in armed conflicts derived from the general international



instruments on human rights adopted under the auspices of the United Nations, was also of great interest to us. The complementary study contained in Annex I also deserves to be mentioned. We particularly approve the conclusions of this study as they are set out in paragraph 79, for we also believe that the international instruments concerning human rights concluded under the auspices of the United Nations, as well as other international conventions adopted in this field, can work effectively even in armed conflicts.

However, the existing international humanitarian law not only must be better applied, but it must be developed. And one of the areas of action where this development is needed is that of the protection of civilians. The methods and means of modern warfare, it has often been pointed out, make it imperative that action be taken to ensure better protection to these individuals. And there can be no doubt that the formulation of standard minimum rules completing the ones which already exist would contribute to this end in a positive way.

The Canadian delegation has carefully noted paragraph 42 concerning the norms which these rules might establish. We consider that the General Assembly, until such rules are formulated, could very well affirm certain basic principles on the protection of civilians which are practically universally accepted.

Another area where it is useful and urgent to improve the existing humanitarian rules is that of conflicts not having an international character. Article 3, which is found in the four Geneva Conventions, has established certain rules which apply to this type of conflict.



But everyone recognizes that the protection afforded by Article 3 must be extended to several categories of persons. Chapter VIII of the report clearly points out the complexity of the problem of trying to increase the protection provided for persons involved in internal armed conflicts. In this context, our delegation takes note of the study of the International Committee of the Red Cross on this aspect of the law of war.

Madam Chairman, the Secretary-General suggests, which is as it should be, long term means of ensuring a better application of the existing humanitarian law and its adaptation to modern warfare. He speaks of drafting of new international legal instruments, of additional protocols to the Geneva Conventions, of General Assembly resolutions. He also mentions the possibility for a member state, or for the General Assembly, to convene a conference on certain aspects of human rights in armed conflicts.

Everyone agrees that the ground work on this or that aspect of the question must be done by experts. This requirement is imperative if we wish to continue the serious work already accomplished both by the Secretary-General, as his two reports indicate, and by the International Committee of the Red Cross. We feel it is appropriate to mention at this time the excellent contribution of the International Red Cross Conference in Istanbul to the study of this question as a whole. On this point, may we repeat it is extremely important that close co-operation between the Secretary-General and the International Committee should continue. The United Nations as well as the ICRC have a role to play in the reaffirmation and the development of humanitarian



law applicable in armed conflicts. This role however must continue to be well co-ordinated, as is required by the above-mentioned General Assembly resolutions and also by Resolution XIII of the Istanbul Conference.

That is the reason why we feel it would be wise to take note of the results of the Governmental Experts Conference which the International Committee of the Red Cross has convened for next May in Geneva before continuing the consideration in depth of this or that aspect of Agenda Item 47. The areas where the existing humanitarian rules must be reaffirmed, applied and developed have been clearly identified. The Conference will consider for example action to be taken in order to increase the protection afforded civilians, combatants, and victims of non-international conflicts. It will also consider the rather recent phenomenon of guerilla warfare. The Secretary-General has also touched upon those questions in his study.

In short, the General Assembly will be able to put to good use at its twenty-sixth session the results of the deliberations of the Experts Conference and will consequently be in a better position to determine the particular aspects of humanitarian law which it should examine more attentively. On this point also, it is important that the Secretary-General and the ICRC remain in close contact.

But however precious the preparatory work of the experts may be, the real factor of progress resides ultimately in the political will of the governments to apply the existing humanitarian rules and customs and, if necessary, to complete them. We must not forget however that to seek respect of human rights in armed conflicts is to strive to find





a remedy to the effects of evil and not to the cause itself. As I recalled at the beginning of my intervention, the primary purpose of the United Nations is the preservation of peace. It is truly regrettable that the present developments, which make a study in depth of agenda item 47 a necessary thing, should momentarily divert our attention from this noble ideal. But it is proof of courage to be able to face reality.



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Government  
Publication

Press release No. 43  
Friday, 20 November 1970

Statement made by H.E. Mr. Bruce Rankin,  
Canadian Delegate to the Second Committee,  
on Item 95: The role of modern science and  
technology in national development and the  
need to strengthen economic, technical and  
scientific cooperation among States.

CHECK AGAINST DELIVERY.

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Communiqué de presse No. 43  
Vendredi, 20 novembre 1970.

Déclaration sur le point 95 de l'ordre du jour:  
Rôle de la science et de la technologie  
modernes dans le développement des nations et  
nécessité de renforcer la coopération  
économique et technico-scientifique entre les  
États, prononcée à la Deuxième Commission, par  
le délégué du Canada, Son Exc. M. Bruce Rankin.

VERIFIER LORS DU DISCOURS.

**CANADIAN DELEGATION  
TO THE UNITED NATIONS**

**DELEGATION DU CANADA  
AUPRES DES NATIONS UNIES**



Mr. Chairman,

On the eve of the Second United Nations Development Decade, Canada is particularly conscious that due attention should be given to the immense implications of scientific and technological advances, particularly as they relate to economic and social development and with respect to facilitating the exchange of information in this field. To this end, my delegation feels it would be helpful to member governments and to the organizations of the United Nations family to have - as is proposed in the draft resolution before us and which we have the honour to co-sponsor - a thoughtful and succinct analysis of the current situation, together with some indication of the likely course of developments in this field. This area of human activity has, and will have, enormous effect upon personal, national and international affairs. More important, the accelerating rate of change in the exploitation of science and technology makes it essential that the United Nations and its members have an opportunity to take a broader perspective of the implications of this change. This will make it possible to adjust United Nations and other international programmes to reflect these developments, and also enable us, as and if necessary, to prevent such developments moving in a direction which is inimical to global interests, particularly to the interests of economic and social progress.

For maximum effectiveness, such a study should be primarily designed to enable those concerned to see more clearly the place and role of the United Nations system as a vehicle for ensuring the most effective application of the available and expected scientific and



technological resources in the interests of all mankind. In this connection, the study requested from the Secretary-General should be viewed in relation to the consideration now being given by ECOSOC to future institutional arrangements for handling the United Nation's work in the field of science and technology. Indeed, we would expect the ECOSOC study and the Secretary-General's report to be co-ordinated with, and influenced by, one another. Discussion at the forty-ninth session of ECOSOC demonstrated a great deal of interest in, but a lack of consensus on, the best way to strengthen and generally improve the United Nations machinery in this field. It was agreed that it would be desirable to enumerate some of the options that presented themselves concerning possible institutional arrangements. Meanwhile, the Trade and Development Board has already taken action to establish an Intergovernmental Group on the Transfer of Technology which will be determining its programme of work. It is to be hoped that these various activities will culminate eventually in arrangements for subsequent decision-making in the United Nations which will look towards achieving practical results. Nevertheless, bearing in mind the speed with which events in the field of science and technology are changing these arrangements must be sufficiently flexible so as to leave important options open.

The complexity of the issues and the variety of interest in various facets of the subject within the United Nations family suggest that we should proceed carefully. In this respect, the draft resolution clearly anticipates that the Secretary-General will need some time after the fifty-first session of ECOSOC to complete his study and we see some





merit in attempting to bring these efforts to fruition at the time of the first biennial review of the International Development Strategy in 1972.

Mr. Chairman, the draft resolution recommends that governments support the establishment of direct channels of co-operation between research facilities in their own countries and those abroad. This is an effort already firmly and actively supported by my Government, as well as by individual universities and institutions in Canada. Two Canadian universities are co-operating directly in Africa and Asia in the development of university-level agricultural facilities. More important, however, the Canadian Government recently established an International Development Research Center whose creation was seen as providing a new and dynamic element in Canada's contribution to the global struggle to improve the quality of life, particularly in the less developed areas of the world. The Center has been provided with \$30 million to cover the first five years of its operations. Subsequent financing will of course depend upon the level of operations reached by that time. Members of the Board of Governors and its staff includes particularly qualified people from various parts of the world including especially the developing countries. The Center is now developing a programme which it is hoped can be launched early next year. While it is too early to be specific, emphasis will certainly be given to those priorities already delineated by the Advisory Committee on the Application of Science and Technology to Development such as improved methods of preserving food and reducing waste, the development of



genetically improved plants of high protein value, and the development of efficient labour - intensive industrial techniques. The Center will, in short, be concerned with the application of science and technology to efforts to improve the quality of life in all countries, and not only with the process of material production.

One of the Center's principal areas of interest or orientation will be towards rural peoples, particularly those whose resources are so limited that they cannot benefit from the new techniques in science and technology encompassed in the concept of the "green revolution." As Mr. Hoffman, the Administrator of the United Nations Development Programme, has emphasized so rightly, the developing countries possess vast human resources which are as yet not fully developed. The proper application of science and technology can enable this potential to be used more fully and quickly. To this end the International Development Research Center will want to follow closely the studies being carried out by the Secretary-General and ECOSOC and the activities of UNCTAD's new group, and will co-operate fully in one of the draft resolution's principal recommendations, namely, seeking forms of international action to ensure that the achievements of science and technology are more effectively applied to the needs of all countries, with special consideration to the situation of the developing countries.



CA1  
EA 75  
-C 55

Communiqué n° 44  
Le lundi 23 novembre 1970

Déclaration prononcée par Son Excellence M.  
Yvon Beaulne, Ambassadeur et Représentant  
permanent du Canada aux Nations Unies, sur  
la Corée à la Première Commission.

VERIFIER LORS DU DISCOURS.

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Press release No. 44  
Monday, November 23, 1970

Statement made by His Excellency Mr. Yvon  
Beaulne, Ambassador and Permanent representative  
of Canada to the United Nations, on Korea  
in the First Committee.

CHECK AGAINST DELIVERY.

**CANADIAN DELEGATION  
TO THE UNITED NATIONS**

**DELEGATION DU CANADA  
AUPRES DES NATIONS UNIES**



Mr. Chairman,

Once again we are obliged to undergo a debate in the General Assembly on the Question of Korea which none of us here believes will contribute to advancing an eventual just and peaceful settlement of the matter. Once again we owe this dubious privilege to those responsible for Resolutions L/524 and L/525. It is they who must bear the responsibility not only for the fact that we have this sterile debate inflicted on us, but for the fact that the debate is doomed to sterility before it begins.

Both are heavy responsibilities. At this session, when with an unusually heavy agenda we have unusually little time, it is no trivial matter to have to devote ten or more meetings to various aspects of this subject, knowing in advance that nothing will come of it. It is a still more serious matter that nothing will in fact come of it.

In effect, we are told by the sponsors of Resolutions L/524 and L/525 that the United Nations not only cannot do anything to contribute to a settlement in Korea, but that it is incompetent to do so, and that any attempt in that direction is illegal. In short, they claim that the actions of the majority of the Security Council and of the General Assembly over more than twenty years are illegal and without effect.

What does "illegal" mean in this usage? Indeed what meaning can it have? Used in this context by countries who on other occasions are insistent on the observance and implementation of resolutions of the United Nations, and who argue that many of the shortcomings of the





Organization can be attributed to the failure of states to act upon them, the word "illegal" is a curious one to apply. The only possible conclusion, in reason and in logic, is that to those who use this argument, "illegal" means that with which they disagree. It matters nothing to them that substantial majorities of the General Assembly over a long period of time have reaffirmed not only the legality of their actions in the past but the authority and competence of the United Nations to deal with the Question of Korea.

In this debate every year we hear the same series of contradictory propositions. Clearly it cannot be true at the same time both that the Republic of Korea waged a "war of intervention" in North Korea in 1950 and that North Korea invaded the Republic of Korea. It cannot be true simultaneously that the North Korean regime is the only one in the Peninsula which represents the secular desire of the Korean people for freedom and development, and that the Republic of Korea has a freely-elected government and an economically dynamic and successful society. It cannot be true both that, as some in this debate have alleged, it is illegal in the Republic of Korea to speak of reunification, and that the President of the Republic himself has recently made a major speech on the subject.

It is obvious that the truth is not made clearer by our annual debate. Certainly delegations adduce evidence, or what purports to be evidence. We are even treated to quotations from newspapers and reviews, for example, presented as conclusive, as if simply because words

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appear in print they must be believed. In fact we are not given any reason to think so. We are left with the unavoidable conclusion that those who resort to this transparent device are interested only in that "truth", like that "legality" which supports their objectives. The "evidence" they give us is presented as credible because it supports their cause; their cause is to be supported because the evidence is said to be credible.

In such circumstances there is only one reasonable course. That is to rely upon our own means, our own judgement of the facts of the matter and on the wisest course to pursue. We have such means, a means created by the United Nations and responsible to this Assembly. That is the United Nations Commission for the Unification and Rehabilitation of Korea. This is the means through which we can form a balanced and coherent view. This is the means which the supporters of Resolution L/525 wish to destroy.

Just as they have sought from the beginning to deny the competence of the United Nations in an area which is its first and overriding responsibility, the area of international peace and security, so they wish to deprive us of the instrument the United Nations has set up to discharge that responsibility in Korea.

Simultaneously, what has happened in Korea itself? Armed incursions and raids continue to be launched from the North against the South, precisely at the time when Pyongyang declares its "respect for the Charter" (an act we are asked to believe confers on it some particular virtue). Despite the tension which such assaults create, the remarkable achievements of the Republic of Korea in economic and



social development continue. All these events are observed and reported by UNCURK. We are told that similar achievements are taking place in the North, but since UNCURK is refused admission there this Organization has no means of its own to know of them.

My Delegation finds it difficult to believe that members of the General Assembly are prepared to rely on what is said in this debate to learn what is really taking place. In Resolutions L/524 and L/525 we are being asked not only to do this, but to abdicate of the entire responsibility of the General Assembly in Korea.

Let us turn instead to Resolution L/531, of which Canada is a co-sponsor. It is as well to look at the text. Presumably because, like all else we say here, it is not new, some delegations may not have given its actual content close attention. What does it purport to do? To reaffirm the United Nations objective of achieving a reunified, independent and democratic Korea; to express the belief that this objective should be achieved through genuinely free elections; to ease tensions in the area; to approve the efforts of UNCURK in this direction and request it to pursue its efforts. Finally it looks forward to the withdrawal of United Nations forces still in Korea whenever the Republic of Korea - where they are located - requests it, or when a durable settlement is achieved.

Which of these propositions is objectionable to the opponents of the Resolution? Do they object to a peaceful, reunified, independent and democratic Korea? Do they object to genuinely free

/elections?

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elections? Do they object to measures to reduce tension and deter aggression? Presumably not. Yet they demand the dissolution of UNCURK. We may legitimately ask ourselves, to what end?

In the light of these considerations, the Canadian Delegation will vote against Resolutions L/524 and L/525, and urges other delegations to join in supporting L/531.





CA1  
EA 75  
-C 55

Press release No. 45  
Tuesday, November 24, 1970

Statement made by His Excellency Mr. Bruce Rankin, Canadian Representative of the Second Committee on Item 43: Human Environment.

CHECK AGAINST DELIVERY.

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Communiqué n° 45  
Le mardi 24 novembre 1970

Déclaration prononcée par Son Excellence M. Bruce Rankin, Représentant canadien à la Deuxième Commission sur l'Item 43: Environnement humain.

VERIFIER LORS DU DISCOURS.

**CANADIAN DELEGATION  
TO THE UNITED NATIONS**

**DELEGATION DU CANADA  
AUPRES DES NATIONS UNIES**



Mr. Chairman,

Canada has been honoured by the appointment by the Secretary-General of Mr. Maurice Strong as Secretary-General of the 1972 Conference. We would like to assure Mr. Strong of our full support in completing the tremendous task he has undertaken. Mr. Strong has much to do in the 18 months or so remaining before the Conference in Stockholm and will require all possible assistance. We are particularly glad to note therefore that he has taken up his post six weeks earlier than first announced. We have followed with interest Mr. Strong's remarks, both here and before the informal session of the Preparatory Committee in November, and his plans to carry preparations forward. If the Conference is to be successful in achieving its important objectives it is clear to us, as it obviously is to Mr. Strong, that the Conference be accorded a high priority among the United Nations programmes and that it be given an adequate and flexible budget. My Delegation considers that the following are obvious requirements in the present situation:

- (1) The need to accord the 1972 Conference a high priority within the United Nations system in view of the ever-increasing deterioration of the environment;
- (2) The need to ensure that the Conference Secretariat has adequate resources;
- (3) The need to obtain from the Secretariat and the Preparatory Committee a definite timetable of work between now and the Conference;
- (4) The need for member countries to complete preparations for their national reports as soon as possible;

/(5) The need .../2



- (5) The need for the Secretariat on the basis of its development of the Conference agenda between now and the February Preparatory Committee meeting to request selective case studies from member countries and to give guidance as to their subject matter and format.

The agenda proposed by the Secretariat for the February Preparatory Committee appears to us to cover the vital matters which must be decided upon at that time. What is more important, between now and February, 1971 we look forward to receiving the Secretary-General's report which we would expect to contain, in particular, proposals on the following aspects of the Conference agenda:

- (a) Draft declarations, agreements and conventions which might be presented or concluded at the Conference and lead to specific action;
- (b) The subject areas to be discussed and
- (c) The structure and organization of the Conference.

Under (a) the Secretariat could for example give consideration to the possibility of international agreements on (i) global monitoring and criteria of environmental quality; (II) management of living resources, and (III) pollution of the oceans. In addition there will of course be topics dealt with at the Conference which will not lend themselves to formal agreements. There will be discussions at what Mr. Strong calls the intellectual and conceptual level which will provide the necessary background for plans of action to flow from the Conference. Mr. Strong has also suggested the division of the proposed plan of

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action into three levels - global, regional and national, which appears a logical step to us. In proposing this division Mr. Strong has kept to the fore the necessity to identify clearly the scale of action required to bring about solutions to those environmental problems dealt with at the Conference. We can see here the importance of the regional economic commissions in pinpointing the critical problems in particular regions and in suggesting possible courses of action including the establishment of appropriate institutions for dealing with them. In this regard the Prague Conference of the Economic Commission for Europe will, we expect, make a significant input to the 1972 Conference. It is our belief that the 1972 Conference should be on a truly global scale with developing and developed countries participating fully. To help bring this about the Canadian Government has already offered assistance to developing countries in terms of both manpower and funds in preparing national reports and case studies. We would be glad to receive requests from interested countries for this kind of assistance and would hope that the Secretariat would facilitate the process by identifying appropriate projects. This supports the strongly held Canadian view that the aims of economic development and the preservation of the environment are not in conflict. Rather, they are complementary, and reinforce each other because they are both directed towards enhancing the quality of human life. It is important to mention, I think, that the informal meeting of the Preparatory Committee in November concluded that no insurmountable conflict existed between the twin goals of development and environmental preservation and generally endorsed





Mr. Strong's statement to the meeting as providing a sound approach to bringing the two goals into the same perspective. We note that Mr. Strong's new budget request for the 1972 Conference is less in total than that proposed in the Secretary-General's report to the Economic and Social Council; more significantly the new budget has reduced documentation costs and increased considerably the amount available for consultants and experts. The budget will undoubtedly be carefully examined in the Fifth Committee but it is our view that the General Assembly, having approved the holding of the Conference, should endorse a budget level which will enable the Conference to tackle the major environmental problems and to make the Conference meaningful to all member states. We would hope that the Conference Secretariat will make full use of the experts and consultants suggested by Canada and other countries. I do not wish to take up more of our limited time but I would like to add that if the Conference Secretariat is to prepare the extensive documentation suggested by the Preparatory Committee it will need the full support of the entire United Nations system and of member governments as well. We are very conscious of the important role the specialized agencies, Regional Economic Commissions (as I mentioned earlier) and other United Nations bodies can and are playing in preparing for the Conference and would hope they will continue to assist the Secretariat in every way possible.

Finally, Mr. Chairman, I would like to express our view that the draft resolution before the Committee, which the Canadian Delegation is co-sponsoring, contains sensible suggestions about forthcoming meetings and reports. We strongly hope it will receive the unanimous support of this Committee.



CA1  
EA 75  
-C 55

Government  
Publications

Press release No. 47  
Friday, November 27, 1970

Statement made by Mr. D.C. Reece, Minister and  
Deputy Permanent Representative of Canada to  
the United Nations, to the Special Political  
Committee on UNRWA.

CHECK AGAINST DELIVERY.

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Communiqué n° 47  
Le vendredi 27 novembre 1970

Déclaration prononcée par M. D.C. Reece,  
Ministre et Représentant permanent adjoint  
du Canada aux Nations Unies, à la Commission  
politique spéciale sur l'Office de secours  
et de travaux des Nations Unies pour les  
réfugiés.

VERIFIER LORS DU DISCOURS.

**CANADIAN DELEGATION  
TO THE UNITED NATIONS**

**DELEGATION DU CANADA  
AUPRES DES NATIONS UNIES**



Mr. Chairman,

The Canadian Delegation has been pleased to note the constructive and practical tone of many previous speeches on this item. My Delegation wishes to join other delegations in expressing its strong appreciation and admiration for the difficult task accomplished by the Commissioner General of UNRWA and his staff during the past year. Their dedication and tireless efforts are in the best tradition of the work undertaken by the United Nations to help relieve human suffering and provide some hope for the future to the innocent victims of war and conflict. The important and constructive role played by UNRWA during the recent civil strife in Jordan is evidence of the agency's vitality, and of its ability and willingness to meet new challenges.

Mr. Chairman, when one reflects upon the agency's history of achievement and distinguished service, it is especially distressing to note the financial difficulties now facing UNRWA. The Canadian Delegation has read with deep concern the latest annual report of the Commissioner General in which he forthrightly explains the predicament in which the agency now finds itself. In the absence of significantly increased financial contributions to the UNRWA budget, the agency will be obliged to curtail vital services. As the Commissioner General points out, the type of retrenchment which he is forced to envisage "would deal a grievous blow at the most constructive part of the agency's activities and the only one to go beyond mere relief and look towards



the future of the Palestine refugee youth".

It seems to us that the present unfortunate situation confronting UNRWA is the result of incomplete understanding on the part of many states of the vital role played by the agency. UNRWA cannot, of course, resolve the Palestinian refugee problem, nor was it ever intended to approach that responsibility. The Canadian Government has long been of the opinion that a solution to the refugee problem can come about only as part of an overall peaceful settlement to the Arab/Israeli dispute. Unhappily, no such settlement has yet been achieved. In the absence of a comprehensive peace settlement, UNRWA has a vital role to mitigate the suffering of the Palestinian people. In this respect, its operations are of political as well as humanitarian significance. By providing for some of the basic needs of the refugees, UNRWA assists in maintaining a measure of political stability which is an essential component of an atmosphere conducive to the achievement of peace.

The Canadian Delegation considers that all member states of the United Nations should pay particular heed to the sense of urgency communicated by the Commissioner General's report; 1971 will indeed be a "make or break" year for UNRWA. Now, more than ever, the agency desperately needs the financial support of member states. We, therefore, urge all member states, and especially those which have not until now contributed to UNRWA, to re-assess their ability to play a part in ensuring that the agency is enabled to continue to provide for the immediate needs of the refugees.

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It would be most unfortunate if the work of UNRWA were to be jeopardized at a time when there appears to exist some prospect for movement toward a peaceful settlement of the Arab/Israeli dispute. The ceasefire which now prevails, and indications that it may soon be possible for peace talks to be resumed under the auspices of Ambassador Jarring, are encouraging signs. A concerted effort by member states to help UNRWA overcome its current problems would in itself be an expression of faith on the part of the United Nations that peace with justice can be achieved in the Middle-East.



Communiqué de presse No. 48  
Le lundi 30 novembre 1970.

Déclaration prononcée par Son Exc. M. Yvon Beaulne, Représentant permanent du Canada auprès des Nations Unies, à la Commission spéciale de l'Assemblée générale pour l'annonce de contributions volontaires à l'Office de secours et de travaux des Nations Unies pour les réfugiés de Palestine dans le Proche-Orient.

VERIFIER LORS DU DISCOURS.

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Press release No. 48  
Monday, 30 November 1970.

Statement made by H.E. M. Yvon Beaulne, Permanent Representative of Canada to the United Nations, to the Ad Hoc Committee of the General Assembly for the announcement of voluntary contributions to the United Nations Relief and Works Agency for Palestine refugees in the Near East.

CHECK AGAINST DELIVERY.

**CANADIAN DELEGATION  
TO THE UNITED NATIONS**

**DELEGATION DU CANADA  
AUPRES DES NATIONS UNIES**



The Government and people of Canada have the highest regard for the perseverance and dedication with which the United Nations Relief and Works Agency for Palestine refugees has pursued its demanding task. Canada has provided support, through contributions in cash and kind, ever since the Agency began operations in 1950.

At the Pledging Conference last December a Canadian contribution totalling \$1,200,000 for 1970 was pledged. Today the Canadian Delegation is pleased to announce that, subject to parliamentary approval, Canada's contribution to UNRWA's budget for 1971 will be \$1,350,000. This will consist of \$650,000 Canadian in cash and \$700,000 Canadian in food commodities. This increase in Canada's regular contribution reflects the Canadian Government's continuing concern that the invaluable efforts of the Agency to relieve the plight of Palestine refugees should be sustained.



CA1  
EA 75  
-C 55

Press release No. 50.  
Friday, 4 December 1970

Statement made by Mr. A.J. Beesley, Canadian  
Representative in the First Committee, on  
Item 25: Law of the Sea.

CHECK AGAINST DELIVERY.

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Communiqué No. 50  
Vendredi, le 4 décembre 1970.

Déclaration prononcée par M. A.J. Beesley,  
Représentant du Canada à la Première  
Commission, sur le Point 25: Droit de la mer.

VERIFIER LORS DU DISCOURS.

**CANADIAN DELEGATION  
TO THE UNITED NATIONS**

**DELEGATION DU CANADA  
AUPRES DES NATIONS UNIES**





Mr. Chairman:

In our earlier intervention we made known the position of the Canadian Government on a number of issues pertaining to the seabed beyond the limits of national jurisdiction. I propose now to discuss on the remaining sub-items which together comprise the issues which might be discussed at a third Law of the Sea Conference. I do not propose to comment at this stage upon any particular resolution but I would like to reserve my right to do so when we begin to give consideration to the resolutions themselves.

It will be recalled that in the Secretary-General's note under reference L.E. 113(3-4) of January 29, 1970 the Secretary-General requested the views of governments concerning the desirability of convening at an early date a conference "to review the regimes" of the Law of the Sea. The Canadian reply contained in document A/7925/Add.2 stated that "The Canadian Government is acutely aware of the need for the progressive development of international law in response to the new opportunities and problems created by increasingly rapid advances in technology, particularly those relating to the marine environment". There is, I think, no lack of evidence to support this statement. Grotius writing 360 years ago observed that "most things become exhausted by promiscuous use . . . but that is not the case with the sea: it can be exhausted neither by navigation nor by fishing, that is to say, in neither of the two ways in which it can be used". Traditional concepts of the Law of the Sea are of course founded upon the assumptions reflected in this pronouncement by one of the most learned publicist in the field of the Law of the Sea. Unfortunately modern technology has radically



altered the whole nature of the problems requiring regulations by the Law of the Sea, and the development of the law has not kept pace with the advances of technology. Grotius can be excused for not being able to foresee the far reaching implications for the law of the sea of modern technology such as whether nuclear ships and loaded supertankers can be capable of innocent passage, whether radio-active waste and nerve gas may be dumped into the ocean on the basis of the principle of the freedom of the high seas, whether safeguards are required for off-shore drilling, and whether fleets of modern fishing vessels vaster than the Spanish Armada can be left to fish the high seas at will. We cannot be excused however, for ignoring the impact of modern technology upon rules designed for the days of sailing ships and ancient empires. The uses of the sea have multiplied since the time of Grotius. The sea now can be exhausted by "promiscuous use" and it is incumbent upon us to develop new laws to prevent this catastrophe.

Mr. Chairman, Canada's long-standing interest in the whole field of the Law of the Sea is understandable in the light of our lengthy coastline -- said to be the longest in the world -- and our dependence upon sea transport as a consequence of our position as a major trading nation. It is these considerations that explain Canada's active role in the progressive development of the Law of the Sea. As was pointed out in our reply to the Secretary-General's questionnaire "Canada has supported and participated in every effort of the United Nations to achieve agreed rules of law with regard to the uses of the sea". Canada's active participation in the 1958 and 1960 Geneva conferences on the Law of the Sea are well-known. What may not



be so well-known is Canada's further efforts together with certain other countries, to develop multilateral agreement subsequent to the 1960 Geneva conference concerning those important issues left open by the two Geneva conferences. Our efforts to bring about multilateral agreement on the "six plus six" formula were not successful, and it proved necessary for us to establish an exclusive 9-mile fishing zone in 1964, and, more recently, a 12-mile territorial sea. Other states have found it necessary to take similar steps. Nevertheless, as pointed out in our reply to the Secretary-General, "while progress has been made in the development of such rules, important questions are still unresolved. The existing law of the sea is thus marred by inadequacies which are a matter of serious concern for the Canadian Government." The 1958 and 1960 Geneva conferences, as we are only too well aware, failed to agree on the breadth of the territorial sea and the nature and extent of jurisdiction of the coastal state over coastal fisheries. We have come some distance on these matters in the years since Geneva. There now appears to be a substantial measure of agreement on the need for new limits for the territorial sea. Similarly, it now appears to be widely agreed that the jurisdiction of the coastal state over coastal fisheries need not necessarily be tied to the sovereignty of the coastal state over its territorial waters. Yet we are still a long way from unanimity of these questions. Some states consider that there need be no universal maximum limit for the territorial sea and suggest instead regional solutions to the problem or propose that each state should be free to establish the limits of its maritime sovereignty on the basis of given criteria. Some states wish to impose a single limit for both maritime sovereignty and all forms of maritime jurisdiction.



The potential for conflict on these issues is only too obvious. Their early resolution at an international conference is important to the whole structure of the Law of the Sea and relations among states in this field. In other important areas the rules of law on which agreement was reached at Geneva have been overtaken by events. Old solutions have become inadequate and new problems have emerged.

It is necessary, however, to sound a note of caution in calling for the development of new law in response to the new uses of the sea. The Canadian reply to the Secretary-General sounds such a note. Our reply stated as follows: "The 1958 Geneva Conference on the Law of the Sea resulted in a wide measure of agreement on many important questions, and the four conventions adopted at that Conference represent, in the view of the Canadian Government, a very substantial achievement. The Canadian Government believes that it would be inadvisable to prejudice this achievement by re-opening all the rules of law embodied in those conventions". To do so would border dangerously on a reversion to anarchy and chaos. What is required is a modernization and further development of a structure which has been painfully elaborated over the centuries, not rejection and destruction of that legacy.

I propose now to outline briefly some of the considerations which in our view should be taken into account in determining those issues which should be placed on the agenda of the third Law of the Sea conference. In Canada's view, the time has come to reexamine the rights and duties of states with regard to the conservation and management of the living resources of the sea, in light of the





increasingly rapid depletion of those resources as fishing has become virtually transformed from a harvesting to a mining process. It seems anomalous that whereas international law has developed an effective system of management for the mineral resources of the continental shelf and the so-called sedentary species of fish on the shelf, it has not yet developed an equally effective system for the management of the "free-swimming" fish in coastal areas. It seems anomalous too that some states should have to invest heavily in measures designed to protect river-spawning fish such as Atlantic and Pacific salmon, and for the same purpose should also have to sacrifice the great economic benefits which otherwise could be obtained from developing the spawning rivers for hydroelectric and other purposes, only to have those same fish indiscriminately dredged up by the first comer when they migrate to sea. Canada believes that both the coastal fishing states and the distant-water fishing states of the world must realize that a rational system of fisheries conservation, management and exploitation is required in the common interests of all concerned. There are only two alternatives, in Canada's opinion, to the development of such a system. One alternative is the sort of fisheries conservation which theoretically might be achieved under the law of diminishing returns; since it would be unprofitable to rake the last fish from the sea, it may be hoped that the last fish and perhaps a few more will be left where they are. The more likely alternative, however, is the possibility of international conflict as the states of the world respond to international inaction by national action. To avoid chaos and conflict and to conserve the living resources of the sea, it is

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essential, in Canada's opinion, that the countries of the world should agree first of all to make adequate provision for the special rights and responsibilities of the coastal states, and secondly, to join together in a new legal regime for high seas fisheries which will reconcile the need for both equitable distribution of benefits and rational exploitation of resources. It is clear that the present situation is unsatisfactory and dangerous and that it should be reviewed at a Law of the Sea conference.

The traditional law of the sea has also proved wholly inadequate in its provisions for the rights and duties of states with regard to the preservation of the marine environment and the prevention of its pollution or degradation. While some progress has been made in controlling various forms of oceanic pollution, the threat to the marine environment looms larger than ever both because we know more about that environment and see more clearly how it is endangered, and because the mixed blessings of technological development have brought with them new possibilities for catastrophe. The sea is being dangerously abused, both accidentally and deliberately, in ways which may threaten its capacity to regenerate itself and could effectively destroy its living resources. In Canada's opinion, this subject too clearly requires some examination at a Law of the Sea conference, wherever else it may also be discussed.

A good deal has already been said in this debate concerning the problem of the definition of the continental shelf. There is no single aspect of the Law of the Sea, perhaps, which so graphically illustrates the relationship between law and technology as the definition



of the continental shelf in the relevant Geneva convention. Twelve years ago, in an attempt to provide for long-term technological development, the continental shelf was defined as that part of the seabed extending for the outer limit of the territorial sea to a water-depth of 200 metres or, beyond that limit, to where the depth of the superjacent waters admits of the exploitation of the resources of the area. Since that definition was elaborated, technology has grown to the point where it will soon be possible to exploit seabed resources at virtually any depth. On the other hand, the international community has come to agree that there is an area of the seabed beyond the limits of national jurisdiction and that the exploitability rule cannot be used as a pretext for carving up the whole of every submarine area of the world among the coastal states. For this reason there seems to be general agreement that the definition of the continental shelf must be given greater precision, and that this matter too should be considered at a Law of the Sea conference.

A new aspect of the Law of the Sea which has already been receiving the concerted attention of the international community for several years is the exploration and exploitation of the natural resources of the seabed beyond the limits of national jurisdiction, and the elaboration of an international regime and machinery to govern such exploration and exploitation. There is no need to emphasize the complexity and importance of this matter. We are on the threshold of a new era in the exploitation of submarine resources and have an opportunity and an obligation to create a new legal order for this purpose. The nature of the regime to be elaborated for the seabed beyond national



jurisdiction is, of course, directly related to the eventual definition of the area to which it will apply, which in turn involves the question of a more precise definition of the continental shelf to which I have just referred. In an earlier statement on the seabed we made clear Canada's view that the relationship between these two questions is such that final settlement on both must be reached at the same conference at the same time. For this reason Canada attaches particular urgency to intensifying and expediting the studies of the seabed regime being pursued in the committee on the peaceful uses of the seabed beyond national jurisdiction. Only in this way would it be possible for a conference on the Law of the Sea to address itself simultaneously to the question of the seabed regime and the precise definition of the continental shelf.

Mr. Chairman, the issues facing the current session of the General Assembly with regard to the proposed Law of the Sea Conference are: (a) the scope of that Conference; (b) its timing, and (c) the machinery for its preparation. I have taken so much time to review certain problems of the Law of the Sea precisely because the scope of the proposed Conference is the fundamental issue, the one which more than any other will determine the success or failure of the Conference. Canada recognizes that there are differences of views not only on the substance of the problems I have mentioned but also on their relative urgency and as well as on the desirability of including some of them on the agenda of the proposed Conference.

There is, however, in our view, considerable common ground to the effect that the Conference should be broad in scope and that it

/should .../9





should examine all outstanding Law of the Sea issues without, however, re-opening the whole of the 1958 Geneva Law of the Sea Conventions. If we are able to reach general agreement along these lines on the agenda of the Conference, that alone would be a substantial achievement and would represent the essential first step forward. Having regard to the views of other states on this matter, Canada believes that the best possibility of taking that step forward lies in the adoption of an agenda that would include all the issues to which various states or groups of states attach importance, namely: (a) the breadth of the territorial seas; (b) transit through international straits; (c) the nature and extent of jurisdiction of the coastal state over coastal fisheries; (d) the rights and duties of states with regard to the conservation and management of the living resources of the sea, including in particular the special interests of the coastal states; (e) marine pollution; (f) scientific investigations; (g) the precise definition of the outer limit of the continental shelf; (h) the international regime, including machinery, for the seabed beyond national jurisdiction.

One of these items requires further comment, namely, the problem of marine pollution. It is important that we ensure co-ordination of action on that issue, and avoid duplication. Pollution will figure prominently in the discussions of the 1972 Stockholm Conference on the environment. In addition, a Conference on this subject will be convened by the Intergovernmental Maritime Consultative Organization in 1973. The Seabed Committee is examining the question of pollution arising from activities on the Seabed; the



and other interested organizations in the United Nations system have jointly established a group of experts on scientific aspects of marine pollution; and the Economic Commission for Europe will be sponsoring a Conference of Experts on the environment in Prague in 1971. While we have an open mind as to the most appropriate manner in which responsibility might be assigned for specific forms of action on specific aspects of marine pollution, we should like to offer a few general observations on that issue.

With reference to marine pollution in particular, Canada views the Stockholm Conference on the environment as offering an opportunity to achieve a meeting of minds, the development of a political consensus on the basis of which there would be established a general framework and broad objectives for international co-operation and co-ordination in the protection of the marine environment. The extent to which that framework and those objectives might be translated into actual international conventions at Stockholm itself must remain an open question at this stage. However, insofar as the problem of marine pollution is directly related to other aspects of the Law of the Sea, such as, for instance, freedom of navigation, the right of innocent passage, and the international regime to be established for the seabed beyond national jurisdiction, then to that extent the problem of marine pollution should, in our view, also be considered and dealt with in the context of the Law of the Sea. Thus, the Stockholm Conference could be seen as an opportunity, which should be fully utilized, to prepare and lay the groundwork for the discussion of



marine pollution at the proposed Law of the Sea Conference.

IMCO's purposes and functions are related essentially to technical matters affecting shipping in international trade. The 1954 convention on pollution of the sea by oil as amended in 1962 and 1969, is an example of the very important and constructive way in which IMCO can discharge its technical functions in the field of marine pollution. Similarly, the IMCO convention on civil liability for marine pollution damage negotiated at Brussels in 1969 also falls appropriately within IMCO's terms of reference and represents a step forward in the development of remedies for damage suffered as a result of pollution of the sea. A more fundamental issue was involved in the 1969 IMCO convention relating to intervention on the high seas in cases of oil pollution casualties, namely the right of a coastal state to take such measures on the high seas as may be necessary to prevent, mitigate or eliminate grave and imminent danger to their coastline or related interests from pollution or threat of pollution of the sea by oil, following upon a maritime casualty or acts related to such casualty, which may reasonably be expected to result in major harmful consequences. This convention represented a welcome recognition of the rights of coastal states to protect themselves against the threat of marine pollution, but the right in question, in Canada's opinion, is not one which is or should be restricted to cases of oil pollution. The further elaboration of the basic principle recognized in the IMCO convention should be on a broader basis, as was noted by the group of experts in their report of January, 1970. This is the matter which



should in our view properly be referred to a general conference on the Law of the Sea as a whole. At the same time, IMO for its part might direct special attention to the development of international rules relating to routing, construction of vessels, traffic rules and other safety measures intended to prevent accidental pollution of the sea by shipping. The vacuum in the law in this respect is well known.

In sum, the Law of the Sea Conference could provide the international community with an appropriate forum in which to define the fundamental legal principles concerning the rights of states with regard to the prevention of marine pollution deriving from a wider range of sources. The Stockholm Conference, meanwhile, could examine the problem of marine pollution in its relationship to the total environment. Its broader mandate could possibly lead to action in areas which are not within the scope of the other conferences in question, while also developing the political consensus which would ensure appropriate action in those areas within the scope of those conferences.

As to the timing of the conferences, as was indicated in the Canadian reply to the Secretary-General, Canada is convinced that the paramount consideration in approaching the conference is to ensure that it be carefully and thoroughly prepared in order to maximize the Law of the Sea. The possible consequences of failure to reach agreement are too serious for us to embark on this venture without some reasonable assurance of success. The timing of the conference is therefore a matter of crucial importance. There appears to be widespread agreement





that 1973 should be fixed as the year for actual decision-making by the conference. Canada would support 1973 as a target date, but we believe that it would be preferable not to commit ourselves to a rigid schedule which might only be met by sacrificing careful and thorough preparation. A delayed conference in Canada's view would be better than a failed conference. It should be remembered that the 1958 conference on the Law of the Sea was preceded by more than eight years of preparation by the International Law Commission as well as by the International Technical Conference on Conservation of the Living Resources of the Sea convened in Rome under the auspices of FAO in 1955. Taking these considerations into account, it would be wise, in our view, to provide for a reference back to the Twenty-Seventh General Assembly to confirm what at this stage can only be a target date.

The choice of preparatory machinery for the conference is obviously another factor which could profoundly affect the outcome of the conference. There appears to be general agreement that a Preparatory Committee of some sort will be required, and Canada supports this view. As to the mandate of the Preparatory Committee it might be both procedural and substantive in our view; for instance, the Preparatory Committee might devote the first year of its deliberations to studying and preparing recommendations on the conference agenda and procedures, no small task in itself, and in the second year move to substantive consideration of the issues and to the preparation of draft articles. We have an open mind on this question which will be considered further when we move to debate the resolution.

/Another .../14



Another question relating to the mandate of the Preparatory Committee is whether it should include the study of some items relating also to the seabed question. In Canada's view the question of the outer limit of the continental shelf, for instance, is one which would properly fall within the mandate of the Preparatory Committee rather than the Seabed Committee, which is specifically restricted to the seabed beyond national jurisdiction and thus cannot extend to the definition of the area within national jurisdiction, that is, to the definition of the continental shelf. On a related matter, it is obvious that provision would have to be made for the closest co-ordination between the work of the Preparatory Committee and that of the Seabed Committee.

With regard to the size of the Preparatory Committee, the essential consideration, in Canada's view, is that the committee be made large enough to provide adequate and balanced representation for all points of view. Canada's position with regard to the size and composition of the Preparatory Committee is flexible. One interesting possibility which has been discussed in this connection is the reconstitution of the Seabed Committee as the General Preparatory Committee for the whole range of issues to be examined at the proposed Law of the Sea Conference. This possibility might profitably be examined in the event that the composition and mandate of the Preparatory Committee should give rise to major difficulties.

Another possibility that has been raised is the use of a preliminary or preparatory conference leading up to the actual decision-making conference. This suggestion has certain attractions,

/particularly .../15



particularly in that it would involve all members of the United Nations in the preparations for the conference. On the other hand, it might have certain disadvantages in that a Preparatory Conference in 1972 might be premature and prove divisive since it would leave very little time for adequate preparation by the conference Preparatory Committee. It should be possible, we think, to settle these questions on the basis of common sense, since there are no doctrinal issues involved.

Mr. Chairman, in concluding my statement, I only wish to emphasize Canada's profound conviction that the international community has reached a crucial turning point as regards development of the Law of the Sea. Effective and early international action is demanded to prevent the threatened degradation of the marine environment and the threatened destruction of the living resources that constitute the real wealth of the sea; to ensure an orderly and equitable regime for the exploitation of seabed resources beyond national jurisdiction for the benefit of mankind as a whole; and to provide for a just accommodation between coastal interests and global interests in the uses of the sea. While awaiting such action, states cannot and should not neglect their responsibility to prevent pollution of the sea and to institute regulatory measures for the conservation of its living resources. Similarly, states should not neglect their responsibility to co-operate on a bilateral and multilateral basis for the fulfillment of these purposes. Beyond such interim measures, if the international community delays taking action or fails to agree on a new order for the Law of the Sea, states will be forced, as they have been in the past,



to take steps in advance of existing law.

Mr. Chairman, there have been a number of references during our debate to the relative merits of unilateralism as compared to multilateralism as methods of developing the Law of the Sea.

The Canadian position on this issue is well-known. In brief, we do not consider multilateral action and unilateral action as mutually exclusive courses; they should not, in our view, be looked on as clear-cut alternatives. The contemporary international law of the sea comprises both conventional and customary law. Conventional or multilateral treaty law must, of course, be developed primarily by multilateral action, drawing as necessary upon principles of customary international law. Thus multilateral conventions often consist of both a codification of existing principles of international law and progressive development of new principles. Customary international law is, of course, derived primarily from state practice, that is to say, unilateral action by various states, although it frequently draws in turn upon the principles embodied in bilateral and limited multilateral treaties. Law-making treaties often become accepted as such not by virtue of their status as treaties, but through a gradual acceptance by states of the principles they lay down. The complex process of the development of customary international law is still relevant and indeed, in our view, essential to the building of a world order. For these reasons we find it very difficult to be doctrinaire on such questions. The regime of the territorial sea, for example, derives in part from conventional law, including in particular the Geneva Convention on the Territorial Sea,

/(which .../17





(which itself was based in large part upon customary principles) and in part from the very process of the development of customary international law. During the period when it was possible to say, if ever there was such a time, that there existed a rule of law that the breadth of the territorial sea extended to three nautical miles and no further, that principle was created by state practice, and can be altered by state practice, that is to say, by unilateral action on the part of various states, accepted by other states and thus developed into customary international law. How then can we be dogmatic about the merits of either approach to the exclusion of the other? Unilateralism carried to an extreme and based upon differing or conflicting principles could produce complete chaos. Unilateral action when taken along parallel lines and based upon similar principles can lead to a new regional and perhaps even universal rule of law. Similarly, agreement by the international community reached through a multilateral approach can produce effective rules of law, while doctrinaire insistence upon the multilateral approach as the only legitimate means of developing the law can lead to the situation which has prevailed since the failure of the two Geneva Law of the Sea Conferences to reach agreement upon the breadth of the territorial sea and fishing zones. In no other field of law is the inter-penetration of national and international law so evident. It is our view that this organic relationship of law on the national and international planes is not to be feared but to be welcomed since it prevents us from being bound by straight jackets fashioned in the distant past devised to contain pressures which can no longer be



ignored. What is required, in our view, is a judicious mix of the two approaches taking into account the complex set of inter-related and sometimes conflicting political, economic and legal considerations, both national and international, and based also upon the imperatives of time itself. The seriousness of the problem can determine the urgency of action, which in turn can sometimes dictate the means chosen.

It is important also, we think, to be clear as to just what we mean when we speak of the undesirability of unilateral action. Are we referring to extensions of the territorial sea, or the exercise of various limited forms of jurisdiction by coastal states to manage and conserve fisheries resources, or to control pollution, or are we referring to such acts as the unilateral appropriation however temporary, of vast area of the high seas for the conducting of dangerous experiments for scientific and military purposes? Do we refer to the widespread practice of dumping various deleterious substances into the sea? Has not the law of the sea, particularly with regard to the prevention of pollution and the conservation of living resources been characterized by the principle of "laissez faire"? And is "laissez faire" not systematic unilateralism? What factors must be taken into account in making value judgements on the kinds of acts I have referred to? We intend no criticism of any state in posing these questions. We do suggest, however, that we cannot proceed on the basis of the premise that while all unilateral action is equal, some is more equal than others. These questions are the kind we should be attempting to answer in 1973. It is at that conference and in our preparations for it

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that we must attempt to seek out the basis for meeting the needs of the international community without doing violence to the interests of any state or group of states. Coastal states cannot speak for land-locked states. Developed countries cannot speak for developing countries. Shipping states cannot speak for coastal states with no merchant marine. Distant-water fishing states cannot speak for coastal off-shore fishing states. Great military powers cannot speak for small non-nuclear powers. It follows from this that there must be a process of negotiation, of give and take, of mutual concessions in seeking generally acceptable accommodations.

What is required is that we search together for generally acceptable principles, respecting one another's points of view without attempting to substitute our judgement for that of any other state, working together in the common interest. Canada stands ready to participate in all such efforts.



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Press Release No. 51  
Monday, December 7, 1970

Statement made by the Permanent Representative of Canada, H.E. Mr. Yvon Beaulne, in the Fifth Committee on the Secretary-General's Report on the "Review and Reappraisal of United Nations Information Policies and activities". Agenda Item 73, 1971 Budget Estimates.

CHECK AGAINST DELIVERY

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Communiqué n° 51  
Le lundi 7 décembre 1970

Déclaration prononcée par le Représentant permanent du Canada, S.E. M. Yvon Beaulne, à la Cinquième commission sur le rapport du Secrétaire général portant sur "l'examen et la ré-évaluation des politiques et activités de l'Organisation des Nations Unies dans le domaine de l'information. Item 73, projet de budget pour l'année 1971.

VERIFIER LORS DU DISCOURS.

**CANADIAN DELEGATION  
TO THE UNITED NATIONS**  
  
**DELEGATION DU CANADA  
AUPRES DES NATIONS UNIES**





Mr. Chairman,

The Fifth Committee has before it the Secretary-General's report on the "Review and Reappraisal of United Nations Information Policies and Activities" contained in Document A/C.5/1320. Consideration of this study provides the Canadian delegation with an opportunity to make known its position on the use of the French language in the Press and Publications Division of the United Nations Office of Public Information.

The Canadian delegation accepts the proposal formulated in paragraph 130 of the above-mentioned report regarding the establishment of a French language unit within the Press and Publications Division which would be responsible for the publication in the French language of some documents produced by the Office of Public Information. However, I deplore the fact that the publication of such documents in the French language has been possible "only on an ad hoc basis" and "through the co-operation of the Translation Service of the Office of Conference Services".

Paragraph 129 of the Secretary-General's report indicates that most of the press releases issued by the Office of Public Information are published in English only. The Office provides only a limited selection of French-language material, and then only in response to requests from correspondents and delegations. This material is translated from English which appears to be the only working language used by the writers in the Press and Publications Division. Up until the eve of the present session of the General Assembly, there was not a



which has been a long time coming, which leads me to believe that the English-language officers in the Division have, for quite some time, been unaware of the importance of communicating in French with users of that language. There may, of course, be a reasonable explanation for this situation. We would be very happy if there were. Nevertheless, it is the view of the Canadian delegation that in New York as well as in Geneva, the Press and Publications Division should, in future, print and release simultaneously in both French and English, the statements of the Secretary-General, his authorized representatives, and the senior officers in the Secretariat, as well as press releases, including reports on the meetings of the various United Nations bodies. This is a matter which has been discussed in the past which, from the beginning, was expected to provide information in the two first working languages of the United Nations.

In this connection, the Canadian delegation has carefully noted the answer which the Under-Secretary-General for Administration and Management gave to ten representatives of Belgium, France and Tunisia on November 23 during the examination of the budget estimates for the financial year 1971. I am also pleased with the Committee's decision of November 26 to include in the report on the budget estimates for the financial year 1971 a paragraph dealing with the need to maintain a French-language section within the Office of Public Information. But my delegation cannot be satisfied with such temporary measures; a French language unit must be established on a permanent basis.



It should be recalled, on this point, that the Press and Publications Division, until 1958, included a French-language section which disappeared as a result of administrative changes. Since that time, a large number of French-speaking states have joined our Organization, so that today approximately one-fifth of the member countries of the United Nations use the French language either as an official or a working language, which is all the more reason why the French-language section should be re-established. Incidentally, the unit was not eliminated by formal decision; rather, it was allowed to fade away quietly as its officers were transferred to other assignments. What prevents us today from rebuilding by means of similar transfers that which has been torn down?

The Canadian delegation has supported initiatives for a fair distribution of positions in the Secretariat according to the criterion of geographical balance, while deploring the fact that ways have not yet been found to create the linguistic balance called for by Resolution 2480-B (XXIII). Of course, the language training program is one of the most effective tools which the Secretary-General possesses to carry out the Resolution. In this connection, we asked him last year to tell us if he had enough human and material resources to ensure a proper operation of the language training program. Our question remained unanswered and we would appreciate receiving detailed information in this regard.



At the moment the Canadian Government is making the greatest of efforts in order to ensure that both official languages, English and French, are respected and used in the Public Service and other government bodies. It may be of interest to look at what Canada has tried to do in this field. To begin with, learning the second language had to be made easier for public servants by providing teachers and classrooms. Further the Public Service Commission has set targets and percentages of those for each occupational category who should possess a knowledge of both official Canadian languages, and has established a time frame within which these percentages should be attained.

Within two years the Secretariat will have reached the stage where it will have to take into account not only geographical but also linguistic balance in the selection of its employees. In the case of the Office of Public Information, there should be no question of waiting any longer to correct deficiencies which affects its performance.

It is important, then, to appoint as soon as possible to the Office of Public Information, and specifically to the Press and Publications Division, senior officers capable of using the French language and conscious of the need to explain the activities of the United Nations to the millions of people from all parts of the world who understand and use the French language. By reducing, if need be, the sums allocated to certain activities of secondary importance and cutting down expenses of doubtful usefulness, the Office of Public Information could probably absorb in its regular budget any additional sums required to restore this essential service.

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Ever since the first meeting of the San Francisco Conference, on April 26, 1945, French has been one of the working languages at the United Nations. It has ceased to be so, for no valid reason, in the Office of Public Information, whose main concern should be to make itself understood by the people with whom it communicates. I do not understand why the Office of Public Information has lost interest in the French-speaking public and systematically failed, during the last twelve years, to acquire French-speaking staff at all levels of its hierarchy.

The recent nomination of two or three French-speaking officers to the Press and Publications Division has, in part, rectified this unjustifiable anomaly. I wish to congratulate these officers for what they have already accomplished. I am grateful to the Secretary-General for taking urgent action and recognizing the validity of the representations made to him by the French-language delegations. Time will tell whether broader measures should be adopted. It is essential that the Press and Publications Division start working again in French in order that the achievements of the United Nations can become known in the four corners of our modern world, that it to say in the many countries of which Canada is proud to be one, where the French language is held in high honour.



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Government  
Publication

Communiqué de presse No. 53  
Mardi, le 8 décembre 1970.

Déclaration prononcée par M. A. Ouellet, député,  
Secrétaire parlementaire du Secrétaire d'Etat  
aux Affaires extérieures, à la séance plénière de  
l'Assemblée générale, concernant le point 34:  
Apartheid.

VERIFIER LORS DU DISCOURS

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Press release No. 53  
Tuesday, 8 December 1970.

Statement made by Mr. A. Ouellet, M.P.,  
Parliamentary Secretary to the Secretary of  
State for External Affairs, at the Plenary  
session of the General Assembly on Item 34:  
Apartheid.

CHECK AGAINST DELIVERY.

**CANADIAN DELEGATION  
TO THE UNITED NATIONS**

**DELEGATION DU CANADA  
AUPRES DES NATIONS UNIES**

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Mr. Chairman,

In explaining its vote on the resolutions before us, the Canadian Delegation wishes to re-emphasize the strong revulsion which the Canadian Government and people feel against the system of apartheid and the systematic denial of human rights it involves. These Canadian views are well known and are today reflected in our support for resolutions L.183, L.184, L.185, L.186 and L.187. We are happy to be able to support resolution L.185 on the dissemination of information since my Delegation believes that this is a useful method of combating apartheid. We are grateful to the co-sponsors of L.185 for the spirit of accommodation and compromise they displayed during Committee examination of this resolution in accepting our clarifying amendment which makes plain the principle that the U.N. should retain editorial control and responsibility over material broadcast by or through other organizations with U.N. assistance.

In general the Canadian Delegation favours a wide variety of measures, including arms embargo, designed to combat apartheid through peaceful means. My Government has recently taken an important step in this field.

On November 2, the Canadian Secretary of State for External Affairs announced to the House of Commons in Ottawa that the Government of Canada had been reviewing its policy with regard to the application of an embargo against the export of arms to South Africa. This review



was undertaken as a result of Security Council Resolution 282 of July 23, which elaborated upon the terms of the Council's 1963 resolutions on this subject. Since the latest resolution went beyond the terms of the arms embargo as originally established, thorough consideration was called for to determine what steps the government should take in compliance with the terms of the new Security Council resolution.

The Canadian Government has, since 1963, applied a general embargo on arms exports to South Africa. Exceptions were made, however, to allow for shipment of maintenance spares for equipment supplied before the 1963 resolutions were adopted as well as for the export of certain aircraft piston engines and spares for them.

In light of the review just completed, the government has decided that, henceforth, the supply of all vehicles and equipment, and the supply of spare parts for vehicles and equipment for use of armed forces and paramilitary organizations of the Republic of South Africa will be prohibited. In addition, certain aircraft piston engines and maintenance spares for such engines, previously exempted from the government's application of embargo, will no longer be supplied for military use by armed forces or paramilitary organizations in South Africa.

Therefore if resolution 2624 (XXV), concerning the Security Council resolution 282 of July 23, which was voted on in Plenary on October 13 were before this Committee today, the Canadian Delegation would be able to vote for it. Our previous abstention was only

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necessitated by the fact that the Canadian Government's review of the subject had not been completed at that time.

My Delegation regrets that resolution L.188 was not formulated in terms which would enable us to vote for it. We will therefore abstain. The resolution contains some paragraphs that the Canadian Delegation could support; however there are a number of other clauses about which we have serious reservations.

For example, Canada does not support moves to isolate South Africa from the world community, since it believes that this would only result in making South Africa more determined to pursue its abhorrent racial policies. We could not vote in favour of the sort of action called for in operative paragraph 6 in this resolution, which, in calling the attention of the Security Council to the situation in South Africa and in Southern Africa, recommended that the Council resume urgently the consideration of effective measures including those under Chapter VII of Charter. My Delegation believes that it is the prerogative of the Security Council to determine if a situation requiring action under Chapter VII exists, and, if so, to decide upon the precise nature of the response required. The Security Council has made no such judgement about the situation in South Africa and in our view it is therefore inappropriate to suggest Chapter VII action at this time.

The General Assembly is well aware of Canada's unalterable opposition to apartheid, and of our support for various practicable and effective measures to combat apartheid through peaceful means. However,

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I must repeat that my Delegation believes that the answer to the problem of apartheid does not lie in armed conflict. We cannot therefore support action possibly tending to encourage developments which might lead to an outbreak of a violent conflict in South Africa and Southern Africa, with incalculable consequences for people of all races living in the region. We strongly oppose the practice of apartheid but we wish to combat it by peaceful means.

In conclusion, Mr. Chairman, I wish to reiterate the emphatic opposition of the Canadian Government and people to the practice of apartheid and our support for a wide range of peaceful measures against apartheid including several which have been approved by the Special Political Committee. As I have stated, Canada fully complies with the arms embargo against South Africa and we hope that all members of the United Nations will find it possible to observe it.



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cc 24-12-71 et

Government  
Publications

CANADA

Communiqué de presse No. 56  
Le lundi 14 décembre 1970.

Déclaration prononcée par son Exc. M. Yvon Beaulne, Représentant permanent du Canada auprès des Nations Unies, à la Première Commission de l'Assemblée Générale sur l'item 32: Examen de mesures relatives au renforcement de la sécurité internationale

VERIFIER LORS DU DISCOURS

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Press release No. 56  
Monday, 14 December 1970

Statement made by H.E. M. Yvon Beaulne, Permanent Representative of Canada to the United Nations to the First Committee of the General Assembly on Item 32: Consideration of Measures for the Strengthening of International Security

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**CANADIAN DELEGATION  
TO THE UNITED NATIONS**

**DELEGATION DU CANADA  
AUPRES DES NATIONS UNIES**

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Mr. Chairman,

The Canadian Delegation, as one of the co-sponsors of draft resolution A/C.1/L.514, wishes to express its appreciation for the efforts of the Chairman, in consultation with many delegations, which have in our view produced a successful result. Canada will be pleased to support the draft declaration in Document A/C.1/L.558.

In doing so, my Delegation wishes to make it clear that in the Canadian view the reference to the availability without discrimination of the technology of the peaceful use of nuclear energy at the end of operative paragraph 19 applies to states parties to the Nuclear Non-Proliferation Treaty, and in particular to the provisions of Articles IV and V of that Treaty. We interpret the phrase "to the maximum extend possible" to mean that nothing in this part of this clause can or should be deemed to imply any obligations different from those already undertaken by parties to the Nuclear Non-Proliferation Treaty, which is the relevant international agreement.





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MARK S. ANSHAN

Government  
Publication

Press Release No. 2  
Wednesday, September 29, 1971

Statement in the General Debate of the  
United Nations General Assembly by the Secretary  
of State for External Affairs, the Honourable  
Mitchell Sharp, New York, September 29, 1971.

CHECK AGAINST DELIVERY

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Communiqué de Presse No. 2  
Le mercredi 29 septembre 1971

Déclaration dans le cadre de la discussion  
générale à l'Assemblée générale des Nations  
Unies prononcée par le Secrétaire d'Etat aux  
Affaires extérieures, l'honorable Mitchell Sharp  
à New York, le 29 septembre 1971.

VERIFIER AU MOMENT DU DISCOURS

**CANADIAN DELEGATION  
TO THE UNITED NATIONS**

**DELEGATION DU CANADA  
AUPRES DES NATIONS UNIES**



Mr. President:

May I first offer to you, sir, the full support and co-operation of the Canadian Delegation in the performance of the great responsibility you have accepted as President of the General Assembly. Canada welcomes your presence in the chair and offers its good wishes to the people of Indonesia, whom you have served with such distinction in this Organization. It is indicative of the scope and variety of our Organization that the Presidency should move from the representative of one of the northernmost countries of Europe to one of the southernmost countries of Asia without any disruption in our continuing work. I would like at this time to thank the retiring President, Mr. Edvard Hambro, for the skill and judgment he has shown as our presiding officer in the last session.

It is a matter of deep regret in Canada that this should be the last session at which U Thant will occupy the Secretary-General's chair. U Thant has carried out his heavy responsibilities and fulfilled his arduous obligations with a serenity and steadfastness that have been an example to us all and that have won the respect and admiration of all men everywhere. I am sure that his quiet and authoritative voice will continue to be heard in the councils of the nations, and on behalf of the people of Canada I wish him well in his future endeavours.

This 26th General Assembly opens a new quarter century in the life of our Organization. And I suggest, Mr. President, that it may mark a turning-point in our history and the opportunity for a new beginning, if this Assembly moves promptly and effectively to seat the People's Republic of China in the China seat. China is a charter member of this Organization and a permanent member of the Security Council. The only question before us is who should occupy the existing China seat. The Canadian position is clear, the government that has responsibility for the overwhelming majority of the Chinese people must now take its proper place here - the Government of the People's Republic of China.



The seating of the Peking Government in this Assembly and at the Security Council will bring the effective government of a quarter of mankind into our councils.

Canada endorses the principle of universality of membership and looks forward to a time when the divided states too can be properly represented here. But principles must always be conditioned by facts, and before this ideal can be reached there are serious practical problems to be solved. There would be no particular advantage for the United Nations nor for the divided states themselves were they to do no more than import their special problems and conflicts into the wider forum of this Organization.

I have said that Canada endorses the principle of universality and in the Canadian view there is an important principle involved. The communications explosion has annihilated time and distance, two factors that used to isolate problems in one part of the world from those in another, and that frequently contributed to the solution of such problems by allowing a breathing space in which good judgment and common sense could be brought to bear.

International problems can no longer be localized easily, every such problem is a world problem and involves the world community which is, in effect, the United Nations. The simple theorem that universal problems call for universal solutions is almost a tautology. And universal solutions are likelier to be found by a body that is universally representative.

I should like to illustrate what I mean by touching briefly on four problem areas:

- armed conflicts
- the physical environment
- arms control and disarmament
- world trade.





As we look around the world today we see armed conflict or the seeds of armed conflict in many parts of the world. Those cases where international disputes involve member nations, as for example the Middle East, fall clearly within the responsibility of the United Nations. Where conflicts are contained within a single state established practise at least suggests that they do not. This leaves with us a question that I will pose and discuss, but to which Canada has no definitive answer to offer - at what point does an internal conflict affect so many nations to such an extent that it can no longer properly be accepted as a domestic matter?

I sense a growing world concern that tragedies are unfolding and that nothing is being done about them by the world community as represented in the United Nations. The capacity of this Organization to resolve conflicts whether domestic or international is limited by two realities, the terms of the Charter and the will of the member nations.

We do not here constitute a supranational authority. I do not believe that the world is ready for such an authority, for any kind of world government. Today, most of the nations of the world, older and newer equally, are preoccupied with internal problems. Certainly Canada is no exception. Canada is facing internal problems both economic and political. Canada believes that domestic problems are best dealt with by domestic solutions, and others feel the same way. The question is, how can the international community best assist in a situation where an internal problem has got beyond the capacity of the government concerned? The mere fact that the nations are preoccupied with internal problems and questions of sovereignty in the foreseeable future does not excuse us from making the best possible use of the instrument we have, the United Nations.

It can and should move promptly and effectively, as it has often done, to ameliorate human suffering and protect, to the extent possible, the innocent non-combatants that often bear most of the suffering. This is a noble end in itself, and can be a means toward the settlement of a conflict by creating a better and a saner atmosphere.





No move in the direction of universality can in itself offer any great hope for easier solutions to the problems that are troubling our world, but it could offer a strengthening of our Organization that should help us come to grips with them.

Turning to the second great universal problem, how to preserve a natural environment that will continue to support life on earth, the United Nations has recognized its global nature by setting up a conference on the environment to be held in Stockholm next year, with a distinguished Canadian public servant, Maurice Strong, as Secretary-General.

Canada has a special interest in environmental questions if only because we occupy such a large part of the earth's surface. Despite its vast extent and relatively small population, Canada has serious air and water pollution problems of its own. It also, inevitably, is a recipient of the pollution of others through the Great Lakes system and oil spills on its coastlines, to name only two examples. This is why Canada is concerned about the inadequacy of existing international law relating to the preservation of the environment in general and the marine environment in particular.

Canada is working toward the development and adequate body of law in this field. At the national level, the Canadian Government has adopted laws for the protection of fisheries from the discharge or deposit of wastes, for the prevention of pollution disasters in Canada's territorial waters and fishing zones, and for the preservation of the delicate ecological balance of the Arctic. At the 25th General Assembly, and last month in a resolution jointly submitted with Norway to the Preparatory Committee for the Third Law of the Sea Conference, Canada invited other states to take similar measures at the national level to prevent and control marine pollution, as a move toward the development of effective international arrangements.

Canada is working towards a multilateral treaty regime on safety of navigation and the prevention of pollution in Arctic waters with other countries having special responsibilities in the Arctic regions.



In a wider multilateral context, Canada is participating actively in the preparations for the Stockholm Conference on the Human Environment, the IMCO Conference on Marine Pollution and the Third Law of the Sea Conference. These three conferences, taken together, present a unique opportunity for the development of a comprehensive system of international environmental law. As the first and widest ranging of the three, the Stockholm Conference will be of particular importance in helping states to come to grips with the apparent conflict between environmental preservation on the one hand and economic development on the other.

Canada is properly classed as a developed nation, but is still in the course of development, still importing capital and know how, still engaged in building its industrial base. This makes Canadians aware of the conflict between the need to develop - essential to economic growth - and the need to preserve, and where necessary recapture, a viable natural environment - essential to the survival of life.

For this reason Canada has a special understanding of the dilemma seen by the developing nations where the highest priority must be given to economic and social development as the means to achieve a standard of living that will offer dignity and opportunity to all their citizens and where the preservation of the physical environment, however desirable in itself, would seem to come second. But I would suggest, Mr. President, that this dilemma is wrongly posed.

Technology has now reached a stage where the industrialization needed for economic development need not disturb the environment to an unacceptable extent. And it is by no means the rule that an ecologically sound industrial or other project must be more costly than one that is not. With far-sighted planning and careful attention to design and ecological considerations there need be little or no added cost. The pollution befouling the Great Lakes System largely results from wasted opportunities, from dumping into the water by-products that in themselves have value if properly recovered. The Canadian Government is working with the Governments of the United States and of the American States and Canadian Provinces bordering on the Great Lakes system to establish water quality standards, achieve them in the shortest possible time and see to it that they are maintained.



The discussions now going on between the various levels of the Government of Canada and the United States will set into motion a programme for the rehabilitation and preservation of the Great Lakes which will cost billions of dollars and call upon vast human and technological resources. These astronomical expenses would not have been incurred had we and our neighbours been able to foresee and forestall the damage we have done to the largest fresh water system on earth.

I urge my friends in the developing nations to balance the costs of anti-pollution measures against the cost of pollution and the mindless waste of limited resources it so often represents. Everyone in this room is looking and working for the day when the prosperity now enjoyed by the few can be shared by all. Economic and social development is the route to prosperity. We should all take advantage of the fact that advances in technology mean that we can follow this route without poisoning the air we breathe, the water we drink and the soil that gives us sustenance, thereby without disturbing the ecological balance that supports all life.

My third illustration of the universality of human problems is the whole field of arms control and disarmament. Mr. President, Canada firmly believes that until the People's Republic of China is playing its part in our deliberations here and in the detailed studies and negotiations being carried on in the Conference of the Committee on Disarmament in Geneva, agreements in this important area will be at best incomplete and at worst ineffective. This is not to downgrade the excellent work that has already been done as evidenced by such achievements as the Non-Proliferation Treaty, the Seabed Arms Control Treaty and the current work on a biological weapons treaty, in all of which Canada has had an active and essential part to play. Nor does it make any less welcome the encouraging and fundamental negotiations now taking place between the United States and the Soviet Union to curtail the strategic arms race.

Earlier this month in Geneva I had the privilege of addressing the Fourth United Nations Conference on the Peaceful Uses of Atomic Energy. I took advantage of my being in Geneva to speak to the Conference of the Committee on Disarmament about a subject to which Canada attaches the greatest importance; the need for a complete ban on nuclear testing, including underground testing.





This Assembly will soon be seized of the CCD Special Report on Nuclear Testing, and for this reason I would like to make again here some of the points I made in Geneva. Before a complete test-ban can be achieved, there are political as well as technical difficulties to overcome. Canada is not alone in believing that these very difficulties call for a determined and speedy effort to reach a total ban on underground nuclear testing. There are steps which could be taken at once before international agreement is reached, steps we believe all members of the U.N. would support. Those governments that are conducting nuclear tests could limit both the size and the number of tests they are now carrying out, starting with the biggest, and announce such restraints publicly. This would present no difficulty nor involve any complication.

There is little time left to us to ensure that the Non-Proliferation Treaty becomes fully effective. All the measures needed to make the Non-Proliferation Treaty viable should receive the highest priority, and the ending of all nuclear tests must come first. Many governments are anxious to see all obstacles to the full implementation of the Non-Proliferation Treaty removed, before the precarious equilibrium among the nuclear weapons powers is further disturbed - whether it is by ongoing scientific and technical developments or by the emergence of new nuclear powers. Canada is at one with those governments, in their concern and their determination.

The continuation of nuclear weapons tests is at the root of the problem. The ending of all nuclear tests by all governments in all environments is of the greatest possible importance, for Canada and for the whole international community.

The safety of all is the concern of all. For Canada there is, if possible, an additional concern. The detonation by the Soviet Union in the last few days of a large underground nuclear explosion and the possibility of a considerably larger test in our own neighbourhood by the United States, emphasize that the rate and size of underground testing is on the increase. Competitive testing, **Mr. President**, must not be advanced by the nuclear powers as a





justification for maintaining the momentum of the arms race. The danger is that it will and this brings home to us all the urgent need for a complete ban on nuclear testing.

Turning now to my fourth illustration of the universality of problems today I suggest, Mr. President, that there is no part of the world and no country that is unaffected by the difficulties now being experienced in the monetary and trading arrangements arising out of the chronic balance of payments deficit of the United States. Developing countries are well aware that problems between the fortunate few are of great importance to them. They are affected directly in two ways, by the adverse effect upon development assistance and by increased barriers to the trade that, in the long run, offers the best possibility of economic betterment for their peoples.

Socialist economies are steadily increasing their trade with market economies, to the benefit of all. As exchanges in the fields of science and technology multiply the economies of all the world's nations become more interdependent - a trend that should be welcomed not only for the immediate benefit it brings but as a proven means of reducing tensions.

The truth is, Mr. President, that all of us, rich or poor, developed and developing, with socialist or market economies, have an interest in minimizing obstacles to trade and in facilitating trade by the maintenance of a workable system of monetary exchanges. All of us suffer when trade is impeded by setting up new obstacles to its free flow or by instability in world monetary arrangements.

Trade, Mr. President, is more than a matter of dollars and cents, more than a struggle for economic advantage. It is the only means we have to create a world economy that will support all the world's inhabitants at a level that will enable us all to enjoy the social justice that is our **birthright** and to achieve fulfillment in peace and dignity.

It is to this end that so much of the best work of the United Nations family has been directed in the past and it is this great goal which must continue to call forth all that is best in us for the future.





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Communiqué de presse No. 5  
Le lundi 18 octobre 1971

Déclaration prononcée par Son Exc. M. Yvon Beaulne, Représentant permanent du Canada auprès des Nations Unies, sur l'item 93: Le rétablissement des droits légitimes de la République Populaire de Chine à l'Organisation des Nations Unies.

VERIFIER LORS DU DISCOURS.

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Press Release No. 5  
Monday, October 18, 1971

Statement made by His Exc. Mr. Yvon Beaulne, Permanent Representative of Canada to the United Nations, on Item 93: Restoration of the lawful rights of the People's Republic of China in the United Nations.

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**CANADIAN DELEGATION  
TO THE UNITED NATIONS**

**DELEGATION DU CANADA  
AUPRES DES NATIONS UNIES**

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M. President:

As the Secretary of State for External Affairs of Canada said in his address in the General Debate on September 29, this 26th General Assembly opens a new quarter century in the life of the organization, and it may mark a turning point in our history if the Assembly moves promptly and effectively to seat the People's Republic of China in the China seat.

Whether the year 1971 will, in fact, mark this healthy turning point depends on the will of this Assembly to move with determination and clarity of purpose to seat the representatives of the People's Republic of China. If we keep this essential purpose clearly in focus - and do not permit it to become confused with questions of procedural or secondary concern - we can accomplish what so obviously needs to be achieved.

For Canada the issue is simple and straightforward. We recognize the state of China has always had its place here as an original member of the United Nations. We recognize too that there can be only one China, and that its sole and legal government is that of the People's Republic of China. We consider that it is that Government whose representatives have a right to speak from the Chinese seat in this Assembly, in the Security Council and every meeting of this organization at which the state of China is entitled by its membership to participate.

To achieve this desirable result, Canada will vote in favour of the resolution contained in Document A/L.630 which it hopes will be approved by an overwhelming majority of this Assembly, so as to leave no doubt as to what has been decided here.

It follows that Canada will oppose any procedural or substantive proposal that would tend to defeat this clear purpose. Among these would be, of course, any proposal for dual representation. In whatever form dual representation might be advanced, my Delegation would be constrained to vote in opposition to it.

In the Canadian view, such a proposal would raise grave political and legal difficulties. It has been firmly stated by the People's Republic of China that it will not take its seat in this organization if there is any possibility that others who claim to speak for China may continue in some way to be represented here. Moreover, any such proposal is of very doubtful validity in the light of the provisions of the Charter. The issue is not a question of membership or of expulsion of a member, it is the question of who represents China. My Government considers that

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we cannot further delay a decision that it is the People's Republic of China who speaks for China in the United Nations, and it is in the light of that firm position that we will vote in favour of the resolution contained in Document A/L.630.

Our attitude to various other resolutions which are or may come before the Assembly will be decided in accordance with this basic position. In particular, I should like to refer to the suggestion that depriving those now sitting here as the representatives of China of their right to represent that member state is an important question under Article 18 of the Charter. Last year when I spoke to the General Assembly I stated that Canada's vote in the past on the "important question" resolution had not been a procedural tactic but that our purpose had been to ensure that a decision did indeed reflect the considered judgement of a significant proportion of that membership.

So far as the issue of Chinese representation is concerned, it has now become apparent that a very substantial and growing part of the membership is in favour of the seating of the people's Republic of China. In the light of this clear-cut trend, we have examined our position both on the previous important question resolution and the variant of it which is now before the Assembly. We have come to the conclusion that the General Assembly should not apply the provisions of Article 18 of the Charter in order to require a two-thirds majority in relation to the vote on A/L.630. We believe that the application of these provisions in this instance no longer serves the interests of the world community. We will, therefore, vote against any proposal that they be applied to part or all of the draft resolution contained in Document A/L.630. We shall likewise vote against any proposal that a decision on application of these provisions be voted on prior to voting on A/L.630.

As I underlined at the outset, the Canadian Delegation believes that most delegations here present are anxious to see the People's Republic of China take its rightful seat in this organization with a minimum of further delay. If we keep that desirable end firmly in view in the debate that has now begun, I have no doubt that the outcome of our efforts here will be successful.







CANADA

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Publication

Press Release No. 8  
Thursday, October 28, 1971

Statement made by Mr. Paul St. Pierre,  
Parliamentary Secretary to the Secretary  
of State for External Affairs of Canada to  
the First Committee of the General Assembly  
on item 34 of the Agenda: Implementation of  
the Declaration on the Strengthening of  
International Security.

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Communiqué de Presse N° 8  
Le jeudi, 28 octobre 1971

Déclaration prononcée par M. Paul St-Pierre,  
Secrétaire parlementaire du Secrétaire d'Etat  
aux Affaires extérieures du Canada, à la  
Première Commission de l'Assemblée générale  
sur le point 34 de l'ordre du jour: Mise en  
oeuvre de la Déclaration sur le renforcement  
de la sécurité internationale.

VERIFIER AU MOMENT DU DISCOURS

**CANADIAN DELEGATION  
TO THE UNITED NATIONS**

**DELEGATION DU CANADA  
AUPRES DES NATIONS UNIES**



Mr. Chairman,

Let me first compliment you and the other members of the Bureau on your election. I know you will recognize my brevity as evidence of our sincerity in seeking in every way we can to make your task easier.

Let me say secondly that in Canada's view the fact that this debate is being held, and its style and content, is a reflection and not a cause of the strengthening of international security. This Committee is a barometer of international tensions. The atmosphere it registers should be an indicator for governments of where dangers lie, for themselves and for others. But our deliberations and the recommendations we adopt do not by themselves add directly to the security of nations.

Some speakers have pointed out developments during the past year which have strengthened international security. Others have dwelt on areas where there has been no improvement. Others still have spoken forcefully of new tensions and conflicts.

We can say that where international security has been strengthened, the policies of governments coincide more closely with the principles of the Charter and of the Declaration on International Security. It would be a bold man who would go further to argue that there is necessarily a cause and effect relationship there. Equally it would be difficult to maintain that all tensions and threats to world peace can be ascribed simplistically to violations of the Charter and failure to implement the Declaration.

It is here that my delegation has difficulty with the draft resolution submitted by Bulgaria and others in Document A/C.1/L.566. Clearly violations of Charter principles arise from tensions just as much as tensions arise from violations of the Charter. And this is true across the whole range and variety of sources of insecurity with which the Declaration deals.

Document L/566 identifies conspicuous



sources of tension. They exist. So do many others, and each Member State feels most acutely those which impinge most directly on it. I need not repeat the list which speakers even in the relatively short debate we have had on this item have enumerated.

But because we are dealing here with those questions of security which loom largest for each one of us, I am constrained to define that which most concerns Canada at this very moment.

When the Partial Nuclear Test Ban Treaty was adopted by three of the five nuclear powers, banning tests in the atmosphere, in the oceans and in space, we were all aware that it was a less than perfect document. But it represented some progress. Today, sir, we may wonder if it may have induced a false sense of security in the people of the world and among us here. Nuclear weapons testing continues. It continues at what seems to be an accelerated pace. It has largely been driven underground, but all too often not completely underground, when one considers reports that of 230 underground blasts conducted in the continental United States alone no less than 67, one-quarter of them, have vented radioactive poisons into the atmosphere and water. Admittedly we know less about the effects of underground testing in the Soviet Union, but we do know that venting has occurred there too.

Yesterday, Mr. Chairman, the Atomic Energy Commission of the United States announced its decision to detonate a nuclear device at Amchitka in the Aleutian Islands.

The dismay and alarm caused by this announcement in my country, and in other parts of the world, can hardly be underestimated. The concern of the Canadian Government has been stated at length. I will not repeat here the numerous representations made by Canada in this regard. Although the risk of damage may be small, no one, sir, has denied that risk exists. Nor, we suggest, can anyone deny that world tensions are increased by this continued testing of bombs by





the nuclear superpowers of the world.

Two weeks ago the Canadian House of Commons passed a resolution concerning this. It was not unanimous. Like most legislatures, Mr. Chairman, we seldom find ourselves in total agreement. On this vote, one member of the House of Commons dissented. The text was as follows:

"Whereas the continued testing of nuclear warheads by the nuclear powers adds to the dangers of the nuclear arms race and may seriously pollute the human environment, and whereas the scheduled test at Amchitka is of particular concern to Canadians because of its proximity to Canada's West Coast, this Canadian House of Commons calls on all nuclear powers to cease all testing of nuclear devices, and particularly, calls on the President of the United States of America to cancel the test at Amchitka scheduled for this month."

Mr. Chairman, if this explosion in the Aleutians proves to be one of the underground tests which vent, it is scarcely conceivable that its poisons will not extend beyond the territory of the United States. And in this event, it should be pointed out that this is prohibited by that part of the Partial Test Ban Treaty which reads: "If such explosion causes radioactive debris to be present outside the territorial limits of the state under whose jurisdiction or control such explosion is conducted."

Despite all these considerations, the United States Government apparently finds itself obliged to proceed with what may be the largest underground explosion yet.

It has, of course, the legal right to do so. But not all things which are legal are desirable or helpful, as the prisoner said on the way to his execution.





Nor are all threats to international security precluded by the Charter or the Declaration.

This test, of course, is not unique. In the present state of affairs, it cannot be called unexpected. Nuclear arms will proliferate and underground tests will continue as long as nations fear that their rivals are surpassing them in military strength.

The Soviet Union has contributed its full share to heightening international tension, exploding no less than four nuclear devices in recent weeks, according to seismological data recorded abroad.

France and China have not signed the Partial Nuclear Test Ban Treaty and they have exploded devices in the atmosphere which have hurled radioactive poisons into the world's skies. Although we may welcome the pause in the French Government's tests, which came after representations by some Pacific nations, we are not told how long this pause may continue. There has been no indication whatever that the People's Republic of China is pausing in its atmospheric nuclear tests, which brings down radioactive material on my country as well as on many others.

The superpowers, sir, are engaged in a contest poisonous, dangerous and in the ultimate, futile. We cannot find security in this narrow world of ours until nuclear testing and the nuclear arms race are ended.

I am not so disingenuous as to suggest that Canada does not have a special interest in the Amchitka test. We do, because it is on our doorstep. But our concern is also general, and has been so, consistently, since 1945 when the then Prime Minister of Canada first called for the exclusively peaceful use of nuclear devices. The Canadian Government has consistently pursued that policy, whether tests were conducted in our backyard or on the plains of Sinkiang.



Document L/566 says nothing about this issue. One course open to us would be to ask the cosponsors to include our particular and deep preoccupation with the matter in their draft.

But if we did so, why should not every delegation here which has its own direct concerns do the same? And what would be the result? A repetition of last year's Declaration.

Our intention is therefore to pursue the question of nuclear testing vigorously in this Committee under the Disarmament Item. In that context we shall seek support for a serious effort to deal with a clearly defined danger to the security of all nations, the nuclear testers no less than the rest of us.

We see no purpose in picking and choosing among the provisions of the Declaration. To select the special concerns of any one state or group of states for emphasis would be to slight the legitimate preoccupations of others. That is no contribution to the strengthening of international security. It could even be the opposite if any member state had grounds to believe that its national interests were disregarded.

This is not a plea for complacency. It is an argument for a rational and considered approach to a subject which is too fundamental to the common interest of all members to become the private property of a few. This debate has been useful. This item is of value. The Agenda of the General Assembly provides ample further opportunity for pursuing the discussion in detail on almost all the specific points that have been raised. Substantive resolutions can best be adopted after such detailed discussion.

It would be ironic indeed if we allowed this item above all to be exploited for partisan purposes and thus ended only by weakening international security.





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Gouvernement  
Publications

Communiqué de Presse N° 9  
Le jeudi, 28 octobre 1971

Déclaration prononcée sur les problèmes  
d'Afrique australe par M. Raynald Guay,  
député, représentant du Canada à la  
Quatrième Commission de la XXVI<sup>e</sup> session  
de l'Assemblée générale des Nations Unies.  
VERIFIER AU MOMENT DU DISCOURS.

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Press Release No. 9  
Thursday, October 28, 1971

Statement made by Mr. Raynald Guay, M.P.

Canadian representative to the Fourth  
Committee of the XXVI<sup>th</sup> session of the  
General Assembly of the United Nations on  
the problems of Southern Africa.

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**CANADIAN DELEGATION  
TO THE UNITED NATIONS**

**DELEGATION DU CANADA  
AUPRES DES NATIONS UNIES**





Mr. Chairman,

The delegation of Canada, like the other delegations that have spoken in the general debate, notes that the situation in Southern Africa has not improved to any extent during the past year. Despite many appeals by the international community in favour of justice and respect for human dignity, the governments of Southern Africa still carry on the implementation of policies which in many respects belong to the past century. My delegation is perfectly aware that such arrogance and contempt make it tempting to resort to violence in order to bring these governments to respect the standards upon which the civilized world is based. Mr. Chairman, my delegation, while assuring you and all delegations present here that it will spare no effort in order to rid humanity of this plague of racism, nevertheless continues to believe that violence cannot bring a realistic and lasting solution to this problem. Mr. Chairman, these men, these citizens of Namibia, South Africa, Southern Rhodesia, Angola, Mozambique and Guinea (Bissau), whether their skin be brown, black or white, are bound to live together and build fraternal societies. It would be tragic if, in pursuing an ideal of justice, we were to open up a festering wound. It is the duty of all of us to convince these recalcitrant governments that we are united by our determination to use every peaceful means at our disposal to persuade them to meet the expectations of world opinion.

Mr. Chairman, my delegation followed with great attention the recent meetings of the Security Council on Namibia. It listened with great interest to the moderate but firm remarks of the present President of the Organization of African Unity, His Excellency Moktar Ould Daddah. It retained among others this clear and lucid proposal that the Security Council, in cooperation with Secretary General U Thant, should take at once the necessary steps to create the conditions which would enable the Namibian people to exercise freely their right to self-determination. My delegation considers that such an initiative would be in accordance with the opinion of the International Court of Justice. We should not peremptorily reject any means of fostering the self-determination and





Independence of the Namibian people. We hope, therefore, that the Security Council will be in a position to adopt, unanimously this time, the second draft resolution now before it.

Mr. Chairman, may I recall that Canada, pursuant to Resolution 283 of the Security Council, stated early this year that it no longer recognizes the jurisdiction of the government of South Africa on Namibia and deems its continuous presence there illegal. Is it necessary also to recall the great interest that my country attaches to the United Nations Educational and Training Programme for Southern Africa? This programme now makes possible the education of an elite capable of assuming the heavy responsibilities that will soon fall upon it. To achieve this goal, Canada has doubled its contribution to this fund for the current year, which now amounts to \$50,000, not counting the scholarships that my country offers each year to young students from these territories. My delegation notes with satisfaction that since the inception of this programme, more than 550 young people from Namibia, South Africa, Southern Rhodesia, Angola, Mozambique and Guinea (Bissau) have been enabled to pursue their education. My delegation takes this occasion to appeal to all Member States of the United Nations to contribute generously to this fund.

With respect to Portuguese territories, we continue to regret that the principle of self-determination as it is construed by the United Nations is still denied to these people. We disapprove today, as we have in the past, of the policy of Portugal in its territories of Southern African and Guinea (Bissau). The heads of my country have reproached the Portuguese authorities for this policy and denounced it both in the House of Commons and here in the United Nations. My delegation wishes to recall here that since 1960, Canada has not allowed any export of arms or military equipment to Portugal that might be used in these overseas territories; similarly, it allows no export to Portugal of materials which could eventually be used in the manufacture or maintenance of arms. My delegation



once more urgently appeals to Portugal to abandon immediately a policy that can only run against its own short- and long-term interests and endanger the political stability of this part of the continent.

In the Introduction to his report on the work of the United Nations Organization, of September 19 this year the Secretary General once more noted the distressing fact that the illegal Salisbury regime has so far survived the economic sanctions imposed by the Security Council and that, according to the said regime, the volume of the external trade of the territory actually increased in 1970. Mr. Chairman, distressing as this fact may be, we should keep in mind that the compulsory sanctions imposed by the Security Council have had and continue to have a harmful effect on the whole of the South Rhodesian economy. The political isolation alone in which these sanctions place the illegal regime of Ian Smith makes it worthwhile to continue this action. Meanwhile, Mr. Chairman, my delegation once again appeals to all members of the United Nations and particularly to the governments of South Africa and Portugal to respect and honour their obligations under the United Nations Charter. It is imperative to the welfare of the international community that the cancer-like illegal regime of Southern Rhodesia should not hold against our perseverance and commitment. We reaffirm our adherence to the principles of majority rule as stated in resolution 2379 and, although we are ready to listen to reasonable alternatives, as the Prime Minister of Canada, the Right Honourable Pierre Elliott Trudeau, indicated in January 1969, we believe that to have any value, these solutions must first be acceptable to the Rhodesian people.

Mr. Chairman, in spite of some misfortunes of the United Nations in Southern Africa, my delegation remains optimistic. It retains the optimism of those who defend just causes. We must keep in mind that time works for us and that the ideals of the new generation of free men will soon prevail.



- 4 -

In conclusion, I wish to recall that as in the past, my delegation is ready to co-operate loyally with other delegations so that the resolutions passed in this Committee be supported by a strongly representative majority.

- 30 -





Communiqué

CA1  
EA 75  
-C 55

Press Release No. 11  
Tuesday, November 2, 1971

57-11-2  
n: 21-14-1-1  
n: 24-12-7-674

Statement made by Mr. David M. Miller,  
Canadian Representative to the Sixth  
Committee of the General Assembly,  
on item 89 of the Agenda: Report  
of the Special Committee on the  
Question of Defining Aggression.

CHECK AGAINST DELIVERY

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Communiqué de Presse No 11  
le mardi, 2 novembre 1971

Déclaration prononcée par M. David M. Miller,  
représentant canadien à la Sixième Commission  
de l'Assemblée générale, sur le point 89 de  
l'ordre du jour: Rapport du Comité spécial  
pour la question de la définition de l'agression.

VERIFIER AU MOMENT DU DISCOURS

**CANADIAN DELEGATION  
TO THE UNITED NATIONS**

**DELEGATION DU CANADA  
AUPRES DES NATIONS UNIES**





Mr. Chairman,

I should like to begin by thanking the Rapporteur and the members of the working group for their valuable work in producing the Report of the Special Committee which we now have before us. The task was not an easy one and we congratulate them on their diligent efforts. Considering the wide variety of views expressed in the Special Committee on a number of separate and important areas of law it was no small accomplishment to produce a report of such distinct clarity.

While the report indicates that the Special Committee made considerable progress in a number of areas, it is heartening to state that in our view even more progress has been made than has been reflected in this report. As at earlier sessions of the Special Committee, movement between opposing positions occurred in informal discussions that has not yet been reflected in the formal positions taken by delegations during the course of the plenary debates. I think we can safely say that in the last two sessions of the Special Committee a measure of flexibility has been shown on all sides, perhaps for the first time during the tenure of the Committee, and that while it has not been possible to record this movement towards accommodation by specific agreed language, the mood and spirit of conciliation appears to be propitious for an overall agreement on these issues. The problem as Canada sees it is not so much whether or not language could be found to bridge the differences, but whether the political will exists to bridge these differences.

The Canadian position on the question of defining aggression is well-known. Without reopening the question of what purpose a definition of aggression would serve and indeed whether it should serve any useful purpose at all, members will recollect that my delegation has from the outset expressed doubts about the wisdom of attempting to define aggression. Canada has always held the view that the necessity of such a formulation was not self-evident and we have consistently entertained real doubts as to whether such a definition might not hinder rather than assist the functions of the competent organs of the United Nations in



relation to peace and security. I would be less than honest if I did not admit that these doubts have not as yet been dispelled. Nevertheless as many delegations have expressed contrary views, Canada has sought in good faith, and in a sincere desire to make a constructive contribution to the work of the Special Committee to seek out the common ground upon which a generally acceptable definition might be based. It was in this spirit that Canada joined in the work of the Special Committee and in this spirit that my delegation joined other delegations in 1969 in submitting a draft to the Committee which we hoped would provide a helpful and practical solution to the problem of a definition. I would like at this point merely to draw attention to the very important shift in attitude which the tabling of that draft definition evidenced. For the delegations concerned it reflected a major concession agreed to in a spirit of conciliation and it has been in this same spirit that we have conducted our discussions in the Special Committee and the Sixth Committee. We also commend other delegations for ~~their~~ similar co-operation.

Mr. Chairman, it is precisely because we have seen evidence of this spirit of co-operation that the Canadian delegation now thinks the time may have come for an attempt at a real breakthrough. Efforts have been made at one time or another and in one body or another on this question for over 30 years. If an acceptable definition is ever to be produced - and we are not to labour on for another 30 years, Canada thinks that now is the time. Perhaps at no time since the end of the Second World War have there been so many indications of a wide-spread and sincere desire for an accommodation on long-standing and highly sensitive political issues. In our view, the international climate is propitious for a renewed attempt to resolve our outstanding difficulties. To put it differently, Mr. Chairman, if we cannot succeed in such a concerted effort now, then one must wonder if an agreed definition can ever be produced.



As appears in the report, there is a large area of common ground on the important question of the definition in relation to the power and authority of the Security Council. To recapitulate, there appears to be no disagreement with the opinion that any definition of aggression should safeguard the discretionary power of the Security Council as the United Nations organ primarily responsible for the maintenance of international peace and security. This is a point to which the Canadian delegation has always attached great importance. There is accordingly, as we see it, no room for the automatic or categorical utilization of any proposed definition by the Council. Equally there should also be no hindrance to the Security Council in its application of an agreed definition.

In the Special Committee earlier this year, the Canadian Representative commented that while the report of the working group made much use of the device of the bracket in formulating a general definition, we hoped that the various phrases within the brackets did not prove real stumbling blocks since we believed that a middle ground could be found on each of the unresolved issues. I will illustrate what I mean by commenting on some of these unresolved issues.

#### Principle of Priority

For example; Mr. Chairman, concerning the principle of priority, my delegation sees what it interprets as tangible evidence of a willingness to find a common ground between the position, on the one hand of those who argue that the first use of force is virtually conclusive proof of aggression and should therefore be the main element in any definition, and those, on the other hand, who assert that although the concept of first use is of great importance, it is still only one of a number of elements to be considered in determining that aggression has or has not occurred. My delegation feels the middle ground here lies somewhere in the postulation that the Security Council should determine





which party first used force and then treat this finding as a fact of considerable significance but without prejudice to the ultimate consequences of such a finding. I am pleased to say Canada has noticed a discernable movement forward in both the position of the socialist and western countries on this question of priority and we appeal to the other member states to make every effort to work harder to an accommodation of the views on this issue.

#### Declaration of War.

Similarly, Mr. Chairman, on an issue about which there has in the past been a fairly sharp division of opinion; that of whether a declaration of war itself constitutes an act of aggression, my delegation has also seen in the work of the Special Committee what we take to be a willingness to compromise. It appears to us that there is a position developing that although a declaration of war need not necessarily constitute aggression it is nevertheless precisely because of its inherent seriousness and the formal juridical consequences that flow, that it is an important element to be taken into account in the determination of an act of aggression.

#### Military Occupation

Another area where Canada sees that some progress has been made, although perhaps less than we would wish, but where we hope more may be made in the future, relates to the possible inclusion in the definition of a reference to situations of military occupation and annexation. Canada has taken the position that since such acts are essentially the consequences either of an act of aggression or of the legitimate use of force, such acts should not be included in any definition. However, the co-sponsors of the thirteen power draft and the Soviet draft have maintained that military occupation and annexation can never be excused on any ground and are therefore aggression per se. On past occasions the Canadian delegation has pointed out that there





were and still are examples of military occupation resulting from the Second World War which are not aggressive and that this may even apply to certain annexations following the termination of that war. Indeed, it has been generally conceded that an occupation that might be legitimate if based, for example, on a treaty arrangement could be transformed into aggression if occurring or continuing against the will of the host state. My delegation accepts such an occupation, that might not have been illegal initially, could become illegal through a change in circumstances. Thus in such event even the act of continuing occupation could itself constitute aggression. To understand the logic and the law underlying such a position one need only look to the draft definition co-sponsored by Canada. Paragraph two makes it abundantly clear that aggression is an act directed at the territorial integrity and political independence of a state. Clearly therefore occupation while essentially a consequence of a use of force, can by its continuation conceivably be transformed into an act of aggression. To sum up, just as is the case with "so called" indirect use of force, our position is that while not every occupation constitutes aggression some occupation might in the view of the Security Council in certain circumstances constitute aggression.

#### Aggressive Intent

With respect to the concept of aggressive intent it appears to my delegation that there is agreement that there can be no aggression without aggressive intent. The comments that I have made on the Principle of Priority underline the importance of including the element of intent. It has been the position of the Canadian delegation throughout that this is one of the most important elements in determining aggression. Other delegations have taken the view that it is not necessary to include a reference to intent or purposes of aggression in the definition, as intent is necessarily implied and furthermore that the purposes of the aggressor never justify the commission of such an act. An area where agreement appears to be developing in the Special



Committee, is that while the question of intent can never of itself predetermine the nature of the use of force it is yet another important element to be considered by the Security Council in the exercise of its discretion. Thus here too we can see possibility of developing the already existing area of common ground.

### Indirect Use of Force

The issue of the indirect use of force remains in the view of Canada the most divisive of all those facing the Special Committee. Even here, however, my delegation can see the possibility of achieving an accommodation, which could have a beneficial effect on the resolution of all other issues. The Canadian delegation has from the outset made it clear that it attached considerable importance to the inclusion of indirect use of force within any definition of aggression if it is to have any contemporary value. By indirect use of force we mean for example infiltration across frontiers by armed bands or external participation in acts of terrorism, subversion or other forms of violence intended to have the effect of impugning the territorial integrity or political independence of states. It is the view of my delegation that in the world today as perhaps never before, the external clandestine infiltration of armed bands by one state into the territory of another state can be at least as dangerous as an open invasion, and may well be the commonest form of aggression in the international community. We accept however, that not every such act need necessarily constitute aggression. Indeed we would point out that some of the proponents of the opinion that such acts should not be included within the proposed definition have conceded that some such acts could in the circumstances constitute aggression either because the seriousness of the situation transformed their character into direct armed aggression or on the basis of some other legal rationale. It is on this realistic and common sense approach, that the Canadian delegation bases its appeal that a possible solution to what is perhaps the most controversial issue under consideration by the Special Committee



may be founded. We suggest therefore, that in this instance the principle of proportionality might be applied to bring about a realistic resolution to this impasse.

There are a number of other unresolved issues still presenting difficulties to the Special Committee; including the question of the appropriateness of having the definition apply to entities other than states, the legal consequences of aggression and the right of self-determination. The view of the Canadian delegation on these areas are already wellknown and it is not necessary for me to repeat them again. I think it would be sufficient to say that we do not see any outstanding issues facing the Special Committee that are insurmountable when one keeps in mind the Declaration on Friendly Relations and given the general spirit of co-operation which has been shown in the Committee. thus far.

It is for these precise reasons, Mr. Chairman, that the Canadian delegation is of the view that the time is now appropriate for agreement to be reached. If in these propitious circumstances no progress can be made within the next year then we say let there be a hiatus in attempts to define aggression and let us disband the Committee for the time being.

Having said that, Mr. Chairman, I would like to conclude by assuring this Committee that the Canadian delegation is willing to continue to play an active role in the Special Committee's deliberations in the spirit of conciliation and co-operation which we are convinced is the only justifiable approach to this important task.





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-C 55



Press Release No. 13  
Monday, November 8, 1971

COMPOSITION OF THE CANADIAN DELEGATION  
TO THE XXVI REGULAR SESSION OF THE  
GENERAL ASSEMBLY

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Communiqué de Presse N° 13  
le lundi, 8 novembre 1971

LA DELEGATION DU CANADA A LA XXVI<sup>e</sup>  
SESSION DE L'ASSEMBLEE GENERAL DES  
NATIONS UNIES

**CANADIAN DELEGATION  
TO THE UNITED NATIONS**

**DELEGATION DU CANADA  
AUPRES DES NATIONS UNIES**

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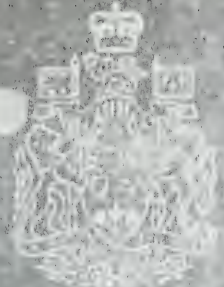


The Canadian Delegation to the 27th Session of the United Nations General Assembly, which opened in New York on September 21, consists of the following representatives:

The Honourable Mitchell Sharp	Secretary of State for External Affairs; Chairman of the Delegation
Mr. Yvon Beaulne	Permanent Representative of Canada to the United Nations; Vice-Chairman of the Delegation
Mr. Paul St. Pierre	Parliamentary Secretary to the Secretary of State for External Affairs and Member of Parliament for Coast Chilcotin
Mr. David Groos	Member of Parliament for Victoria
Miss Renaude Lapointe	Department of Indian Affairs and Northern Development
Mr. Raynald Guay	Member of Parliament for Levis
Mr. George Ignatieff	Ambassador and Permanent Representative of Canada to the Office of the United Nations and to other International Organizations at Geneva.
Mr. Bruce I. Rankin	Consul General of Canada in New York
Mr. Alfred J. Pick	Ambassador of Canada to the Netherlands
Mr. J. A. Beesley	Legal Adviser to the Department of External Affairs

In addition, Parliamentary Observers are selected by the Parties in the House of Commons and the Senate, in accordance with the usual procedure. Advisers will be provided by the Department of External Affairs and by the other Government departments, as appropriate.





CA1  
EA 75  
-C 55

*M. Beaulne*

Press Release No. 15  
Tuesday, November 16, 1971.

Statement on Disarmament Items,  
made in the First Committee of the  
XXVIth General Assembly, by  
H.E. Mr. George Ignatieff, Ambassador  
and Permanent Representative of Canada  
to the Conference of the Committee on  
Disarmament at Geneva.

CHECK AGAINST DELIVERY

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Communiqué de Presse N° 15  
le mardi, 16 novembre 1971.

Déclaration sur les points de  
l'ordre du jour concernant le désarmement,  
prononcée à la Première Commission de la  
XXVI<sup>e</sup> Assemblée générale par  
S.E. Monsieur George Ignatieff, Ambassadeur  
et représentant permanent du Canada à la  
Conférence du Comité sur le Désarmement à Genève.  
VERIFIER AU MOMENT DU DISCOURS

**CANADIAN DELEGATION  
TO THE UNITED NATIONS**

**DELEGATION DU CANADA  
AUPRES DES NATIONS UNIES**

**Communiqué**



Mr. Chairman,

This second United Nations General Assembly session of the Disarmament Decade culminates a year which has undoubtedly witnessed some encouraging developments in the field of arms control and disarmament. Yet it must be admitted that surveying the picture as a whole, the extent of progress reflected in this year's Report of the CCD seems woefully inadequate in contrast with the known facts about the spiralling arms race.

Among the encouraging developments since this Committee last met, I should like to mention four, which in our view, could augur well for progress in developing effective arms control and disarmament. Of primary importance is the decision by the General Assembly to seat representatives of the Government of the Peoples' Republic of China. Canada has been among those members of the Conference of the Committee on Disarmament which have called repeatedly for the participation in disarmament negotiations of the governments of all nuclear powers, which at present coincides with the Permanent Members of the Security Council, recognizing, as we do, that progress in stemming or stopping the nuclear arms race must depend in the first instance upon the effective co-operation of the principal military powers. To some extent the way has now been opened for such progress and our long standing task of really doing something effective in stemming or stopping the nuclear arms race including putting an end to nuclear testing can be tackled with renewed vigour.

A second encouraging development has been the completion of work in the CCD on another agreement in the expanding system of international agreements to control the proliferation of new weapons, or of old weapons into new fields. Indeed, the Treaty on the Prohibition of the Development, Production and Stockpiling of Biological and Toxin Weapons represents the first measure of real disarmament yet concluded by the CCD, and as such, hopefully will set a precedent for similar measures dealing with other weapons of mass destruction.

Although not yet brought to fruition, the continuing negotiations on limitations on strategic arms (SALT) also offer new grounds for hope. Canada welcomed the agreement reached by the USA and the USSR last May which defined the areas in which efforts would be concentrated during succeeding months, and views with





satisfaction the two formal agreements on subsidiary issues concluded recently by the USA and the USSR. An increasingly concerned world awaits the forthcoming Sixth Session of SALT in Vienna, in the expectation that reports may be forthcoming about more substantive agreements being concluded in coming months.

The fourth area of encouragement in this admittedly non-comprehensive survey is that of negotiations to reduce the confrontation of armed forces in Europe. The response by the USSR last summer to NATO initiatives regarding a mutual and balanced force reduction in Europe, appears to have opened the way for real progress towards effective arms control and eventually, disarmament measures, in an area of the world where international tensions in the past have brought on two world wars.

Despite these hopeful signs, however, there has been a singular and discouraging lack of progress in two basic aspects of the work of the CCD, and the existence of seemingly intractable problems in these areas tends to overshadow the limited progress which has proven possible. First, the best efforts of this body, of the CCD and of other international organizations in the field of arms control and disarmament have yet to reduce the massive expenditures channelled into the arms race. Realization of the futility of this competition in arms, which contributes nothing to world stability or to increased deterrence, is coupled with a growing recognition of the resultant waste of human and economic resources, sorely needed elsewhere. The study on the Economic and Social Consequences of the Armaments Race, undertaken by the Secretary-General in response to Resolution 2667, adopted at our XXVth Session, the report on which was distributed recently, demonstrates even more forcefully, the necessity of imposing effective controls on all facets of the ever-broadening race to acquire more sophisticated and larger arsenals of weapons both conventional and mass destruction.

Even more discouraging, particularly for those involved in direct negotiations to impose controls on the arms race, is the virtually unabated continuation of atmospheric nuclear testing by non-parties to the Partial Test Ban and of underground nuclear testing by parties to that agreement. This Assembly recognized last year, in Resolution 2663, that the problem of nuclear testing required the highest priority attention and called upon





the CCD to exert all possible efforts in this area, submitting a special report on their negotiations. This report, included in document CCD/356 of October 1, demonstrates that many members of the CCD devoted considerable attention to this issue during the 1971 sessions of the Committee, but also makes clear that, because political and technical difficulties remain to be overcome, substantive progress was minimal. The continuation of nuclear arms tests has been described as the outward and visible sign of the expanding arms race in the field of nuclear weapons; it is the fuel which adds momentum to the race, and until it is possible to impose further restrictions and, hopefully, to ban completely such tests, the arms race will continue.

The Canadian Delegation to the CCD during the past year has devoted special attention to the problems involved in banning all nuclear tests. In our opening statement to the CCD on February 25, we urged that the Committee "explore the possibilities of a consensus on various ways and means of achieving the objective of putting a stop or limit to nuclear tests".

Here I should emphasize that the Canadian Delegation shares the preference of all non-nuclear countries stopping all nuclear tests, including those conducted underground, without further delay. This desire on the part of the Canadian Government found its strongest expression in a resolution of the Canadian House of Commons adopted in virtual unanimity on October 15, 1971, which "calls on all nuclear powers to cease all testing of nuclear devices". In introducing this resolution in the House of Commons, the Canadian Secretary of State for External Affairs pointed out that the world is becoming weary of the endless delays that are postponing a complete test ban and he urged renewed efforts to arrive at effective control.

The decision by the Government of Canada to reiterate a call for a total ban on the testing of nuclear devices was taken in full recognition that progress towards such a complete ban would depend, in the first instance, on an improvement in international relations, especially among the super powers. It also took into account the necessity of accepting the fact that, in the world as it now exists, the balance of nuclear deterrence remains the foundation of the uneasy equilibrium which has averted major international conflict for more than twenty-five years. Canada also continues to urge that



the most constructive approach in seeking a comprehensive ban is to study ways to narrow the existing differences of opinion on the means of providing effective assurance that all countries are complying with any comprehensive ban. We continue to believe that the potential role of seismological data exchange, on a guaranteed basis, as a contribution to verification warrants further study, and Canadian scientists have devoted additional attention to this issue during the past year. While, as these studies have demonstrated, the problem of verification remains unresolved and while we continue to believe that the achievement of a total ban must await an acceptable solution on this problem, the problem has been scaled down to more manageable proportions. It remains for the major nuclear powers to take steps to bridge the remaining gap.

It is the firm belief of the Canadian Delegation that the time has arrived for a concerted effort to bring virtually unrestrained testing of nuclear weapons to a halt. Two specific conditions, which have been reached only now, reinforce this belief. The extensive effort which has gone into developing and assessing the capabilities for seismological detection, location and identification of underground nuclear explosions appears to have defined more clearly the extent of risk involved in using such means. Governments are now in a position to determine with more assurance what are the requirements for an effective verification system for a ban on testing. The second condition is the attainment of approximate strategic parity between the two major testing powers. It is for these powers then to decide whether mutual deterrence has now reached the point where efforts to upset the current strategic balance of an unrestrained testing situation might not involve greater dangers of destabilization than the consequences of a few undetected low-yield evasions of an underground test ban.

The Secretary of State for External Affairs of Canada speaking to the Conference of the Committee on Disarmament on September 7, 1971, pointed out that we cannot longer delay a determined effort to reach a total ban on underground nuclear testing. We believe that the time has come when serious negotiations on this issue must be re-initiated, and we believe that the nuclear testing powers bear a special responsibility in this regard. In addition to the proposals regarding a Comprehensive Test Ban already before the CCD, fruitful discussions



can be initiated only if the nuclear powers put forward specific suggestions regarding such a treaty. Other steps are also possible. The Secretary of State on September 7 went on to say that, pending the achievement of an actual treaty, "we believe that all members of the United Nations would wish to appeal to those governments that are conducting nuclear tests to put restraints on the size as well as the number of tests they are now carrying out, and announce such restraints - a simple concept that does not involve any complications". This remains the Canadian position.

Committee members will no doubt have noted that the Secretary-General, in his introduction to his annual report on the work of the United Nations, after commenting that he considered a test ban the most important measure that can be taken to halt the nuclear arms race, went on to suggest that "a number of temporary transitional measures could be undertaken immediately to limit and reduce the magnitude and number of underground nuclear tests and to phase them out pending the achievement of a comprehensive agreement. Such transitional measures can certainly help to reduce the dangers and risks inherent in continued testing while negotiations proceed urgently for the complete cessation of all tests except those that are permitted for peaceful purposes".

Mounting public concern about the dangers of a continuing nuclear arms race demands from this session of the United Nations General Assembly a special and major effort to point the way for progress in ridding the world of the growing threat of a nuclear holocaust. Further delay could only exacerbate the tensions and fears on which the nuclear arms race has thrived. The fact that unrestrained atmospheric testing continues in Asia and in the Pacific, the startling growth in size of underground tests represented by the recent tests in the USSR and the United States, and the figures published in the Annual Report by the Stockholm International Peace Research Institute demonstrating that the rate of nuclear testing has increased, all calls forcefully the attention of this Assembly to the testing issue. In this context the XXVth United Nations General Assembly must not be satisfied with mere exhortations to the testing powers to take the concerns of the world into account. We would hope that a concerned Assembly will bring forward a firm and precise resolution which would be sufficiently realistic to permit the expectation of some concrete





results and which would adequately reflect the views of a world weary of delay, thus drawing to the attention of all testing powers the necessity for early and effective action. The Canadian Delegation stands ready to co-operate with other concerned delegations in developing such a resolution and in co-sponsoring it for approval by the United Nations General Assembly.

Turning to the second major issue which has involved the attention and efforts of the CCD during the past session, I should like to comment briefly on progress achieved towards the prohibition of the development, production and stockpiling of chemical and biological weapons. In this area progress has been more encouraging.

Measures to reinforce and supplement the Geneva Protocol have been under active consideration at the CCD since the delegation of the United Kingdom on July 10, 1969, tabled a draft treaty to ban the development, production and stockpiling of biological weapons. Discussions during the succeeding months appeared to indicate that there was some measure of agreement that the problem of verification of any ban on chemical or biological weapons would require particular attention, but views differed on how to attack the overall issues. The last session of the UNGA clarified this by adopting Resolution 2262 (XXV) which took note of the proposals already before the CCD and called on the CCD to continue its consideration of the problem, while commending the basic approach contained in a joint memorandum submitted on August 25, 1970 by the twelve non-aligned members of the CCD. This memorandum stressed the urgency of reaching agreement, suggested that both chemical and biological weapons "should continue to be dealt with together in taking steps towards the prohibition of the development, production and stockpiling" and recommended that verification, which remains the basic issue, should be based on a combination of appropriate national and international measures.

During its 1971 session, the CCD was in fact guided by this basic approach. However, when it became obvious that issues of substance, and particularly differences of views regarding verification measures, made agreement on a chemical weapon ban considerably more difficult than on a biological weapon ban, the committee channelled its detailed negotiations towards completing a BW treaty. At the same time however efforts continued





towards resolving the verification issues as, for example, when the CCD met in an informal session with experts present on July 7 to focus attention on this particular issue.

On August 5, agreed and parallel drafts of a BW treaty were tabled in the CCD and from then until the session concluded on September 30th, CCD members directed their attention to negotiating improvements in these drafts. The August 5 drafts, which owed much to the proposals originally put forward by the United Kingdom delegation, in Canada's view required improvement or strengthening in four specific areas. These included the treatment of possible use of B weapons, particularly stemming from reservations which many nations had attached to their ratification of the Geneva Protocol, the verification procedures which we wished to see as precise and adequate as possible, the definition of the term "toxins" which could be the basis for misunderstanding, and the desirability of ensuring that all nations possessing stockpiles took action under Article II within a reasonable time and informed other parties to the Treaty of such action.

On September 28, the Cochairmen, in combination with eleven other members of the CCD, tabled a revised draft which is attached as Annex A to the report of the CCD (CCD/356). At the outset I wish to reiterate that this draft bears the full support of the Canadian Government and that we consider it represents a carefully balanced and negotiated compromise which should prove generally acceptable to all members of the UNGA. Specifically, the Canadian delegation was happy to note that in preparing a final draft, the Cochairmen had taken fully into account the four concerns originally expressed by Canada, and that as it now stands the treaty appears to reflect the views of virtually all members of the CCD. We would hope that this session of the UNGA could commend the treaty and that it will be opened for signature in the near future.

In the meantime, negotiations continue on a treaty to ban the development, production and stockpiling of chemical weapons. Article IX of the draft treaty binds each party "to conduct negotiations in good faith on effective measures for prohibiting the development, production and stockpiling of chemical weapons and for their destruction." Canada takes this commitment very



seriously and we propose to co-operate fully with other members of the CCD in attempting to resolve the issues which have delayed completion of such a treaty.

In negotiating the draft treaty before us now, the Canadian delegation provided the CCD on March 24, 1970, with a declaration of Canadian policy and intentions with respect to chemical and biological warfare. This we did in the belief, not that it could in any effective way substitute for a binding international convention, but that it could assist in the development of a consensus upon which further negotiations might be based. In that statement on the Canadian position tear gas and other riot and crowd control agents were excluded from Canada's commitment not to develop, produce, acquire, stockpile or use any chemical weapons in warfare. This matter has in the meantime been given the most careful study by the Canadian authorities, and they have concluded that, as a contribution to further progress towards international agreement on the elimination of chemical warfare, Canada's reservation with regard to the use of these agents in war should be waived. Accordingly, Mr. Chairman, I would like to read the following statement of Canada's position.

"The Government of Canada intends to contribute fully to the efforts of the UN and of the Conference of the Committee on Disarmament to reduce and, if possible, eliminate the possibility of chemical and biological warfare. Canada intends to participate actively in negotiations towards agreements which would supplement and strengthen the Geneva Protocol of 1925 by prohibiting the development, production and stockpiling of chemical and biological weapons. Practical progress need not wait until the conclusion of these negotiations. The Protocol can be strengthened significantly through unilateral declarations of policy and intentions on the issues involved. For this purpose, the Government of Canada wishes to make known its attitude toward chemical and biological warfare.

1. Canada never has had and does not now possess any biological weapons (or toxins) and does not intend to develop, produce, acquire, stockpile or use such weapons at any time in the future.



2. Canada does not possess any chemical weapons other than devices of the type used for crowd and riot control purposes in many countries. Canada does not intend at any time in the future to use chemical weapons in war, or to develop, produce, acquire or stockpile such weapons for use in warfare unless these weapons should be used against the military forces or the civil population of Canada or its allies. The latter condition is in accordance with the reservations Canada entered at the time of our ratification of the Geneva Protocol of 1925. We would consider formally withdrawing our reservations if effective and verifiable agreements to destroy all stockpiles and prevent the development, production and acquisition of chemical weapons can be concluded."

I believe it is quite clear, Mr. Chairman, that this statement applies to all chemical and biological agents whether intended for use against persons, animals, or plants.





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*M. Beaulne*

Press Release No. 16  
Wednesday, November 17, 1971

Statement made in the General Assembly of  
the United Nations by H.E. Mr. George  
Ignatieff, Ambassador and Permanent  
Representative of Canada to the Conference  
of the Committee on Disarmament at Geneva,  
on Agenda Item 97: World Disarmament  
Conference.

CHECK AGAINST DELIVERY

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Communiqué de Presse N° 16  
Le mercredi, 17 novembre 1971

Déclaration prononcée à l'Assemblée générale  
des Nations Unies par S.E. M. George Ignatieff,  
Ambassadeur et Représentant permanent du Canada  
près la Conférence du Comité sur le Désarme-  
ment à Genève, sur le point 97 de l'ordre du  
jour: Conférence mondiale du Désarmement.

VERIFIER AU MOMENT DU DISCOURS

**CANADIAN DELEGATION  
TO THE UNITED NATIONS**

**DELEGATION DU CANADA  
AUPRES DES NATIONS UNIES**

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Mr. Chairman,

I do not believe it is necessary to repeat at this time the high importance which the Canadian Delegation places on disarmament. Our contribution to disarmament negotiations over the years speaks for itself. The issue in this debate is not whether to disarm, nor how to disarm, but how best to discuss disarmament.

None would surely wish any of the avenues of disarmament to be left unused, still less, unexplored. In this spirit, my Delegation welcomes the impetus which has been given to us by the Soviet Delegation to think once again about the available ways of concentrating world attention on this problem. But it seems to us that this or any proposal for a new form of disarmament discussions which would lead to negotiations must be judged in the light of the effect - positive or negative - it may have on the totality of efforts to stop the arms race. My Delegation would like to suggest that this Assembly give careful thought to three points:

FIRST, the appropriateness of considering the broad impact and implications of the disarmament issues now before the U.N. General Assembly in a world forum in addition to the negotiations on specific issues at Geneva;

SECOND, the importance, long-maintained by Canada, of associating all principal military powers with disarmament negotiations; and

THIRD, the importance that any World Disarmament Conference should be properly prepared through prior consultations, if it is to achieve the purpose of acting as a catalyst to further progress on disarmament, rather than adding to the confusion.

There is no doubt that the introduction into the arms race of weapons of mass destruction, whose use might lead to a world catastrophe, has made disarmament a matter of vital concern to all mankind. This danger was recognized at the dawn of the Atomic Age when the Prime Minister of Canada joined the President of the United States and the Prime Minister of the United Kingdom in calling upon the United Nations to take effective measures to ensure that this new



force of atomic energy would be used for peaceful purposes only. The Soviet Union was also one of the sponsors of this earliest effort to involve the world body in the search for disarmament. Ever since then Canada has been associated with virtually every initiative on disarmament in the framework of the United Nations. The Canadian Delegation believes that any World Disarmament Conference should be part of the continuing disarmament effort pursued through this World Organization - all the more so since the United Nations has recently taken its important decision towards universality by its decision on the representation of the People's Republic of China. It should also be recalled that the United Nations General Assembly only two years ago designated this decade as the United Nations Disarmament Decade. The Canadian Delegation therefore believes that sponsorship of a World Disarmament Conference should clearly be by this world body.

If it were so desired, appropriate provision could be made while the Conference is being prepared, not only for non-member states, but also for non-governmental organizations, private institutions, and even individuals with a demonstrated interest in disarmament to make their contribution to the Conference.

We would hope however that the problem of finding a satisfactory formula for attendance at such a Conference would not become a bone of contention but rather that the proposal to hold a World Disarmament Conference would serve as a vehicle for consensus within the U.N. family. Canada has been among those who have been active, both in Geneva and in New York, in urging the participation of all principal military powers in the disarmament effort. At this time, when the issue of the nuclear arms race and the mass destruction weapons which risk catastrophic effects for the peoples of the world warrant priority consideration, it is especially appropriate and important that the People's Republic of China as well as France should join the other nuclear powers in seeking to allay the concerns of mankind about the nuclear arms race and the dangers of its escalation.

It would be essential for the success of any World Disarmament Conference that the views of these principal military powers should be taken fully into account and we would therefore hope that any resolution which is adopted on the basis of draft Resolution A/L631



of September 28 would reflect a broad consensus and would specifically provide for ongoing consultations between now and the time when a decision is taken at the U.N. General Assembly about convening a conference.

The convening of a new conference on a world basis should not serve as a pretext or excuse to hold-up or confuse the efforts already underway. In particular we, who have been negotiating on disarmament questions in the Conference of the Committee on Disarmament at Geneva, appreciate the value of this negotiating body and hope that ways will be found soon to associate the representatives of the People's Republic of China with the disarmament negotiating process. To this end, we hope that thorough consultations and preparations would be carried through to ensure that if and when a World Disarmament Conference meets, it contributes to progress in disarmament rather than to confusing efforts already under way.

To the degree that the proposal for a World Disarmament Conference meets the above criteria, and can be effective in focussing world opinion on the overriding importance of disarmament in an age of mass destruction weapons, Canada can be counted upon to support it. No issue commands higher priority than measures concerned with containing and arresting the arms race, particularly in nuclear weapons.





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Press Release No. 18  
Thursday, November 18, 1971

*M. Beaulne*

Government  
Publication

Statement made by

Mr. David W. Groos, M.P.

Canadian Representative on the  
Special Political Committee of the  
XXVith General Assembly, on Agenda Items  
38 and 12: United Nations Relief and Works  
Agency for Palestine Refugees in the Near East.  
CHECK AGAINST DELIVERY

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Communiqué de presse No 18  
le jeudi, 18 novembre 1971.

Déclaration prononcée par

Monsieur David W. Groos, député,

Représentant du Canada à la

Commission politique spéciale de la

XXVie Assemblée générale, sur les

points 38 et 12 de l'ordre du jour:

Office de secours et de travaux des

Nations Unies pour les réfugiés de Palestine

dans le Proche-Orient.

VERIFIER AU MOMENT DU DISCOURS

**CANADIAN DELEGATION  
TO THE UNITED NATIONS**

**DELEGATION DU CANADA  
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Mr. Chairman,

The Canadian Delegation wishes to thank the Commissioner General for his frank and comprehensive report, (Docu A/8413) on the work of UNRWA during the past year and his estimate of UNRWA's financial requirements for the coming year. My Delegation notes that the report foresees an increase of approximately \$3.4 million in 1972 budget estimates over 1971 adjusted budget estimates; this development depending largely on rising unit costs and increased numbers receiving relief services and education. We also note that successive budget deficits have left the liquidity of UNRWA at a dangerously low level.

My Delegation also wishes to thank the Spécial Committee on financing which was established by UNGA resolution 2656 (XXV) for its comprehensive, if not encouraging, report contained in Docu A/8476. The Canadian Delegation wishes to congratulate members of the Committee for the devoted way they carried out their task of raising contributions for UNRWA and the success they achieved in reducing the 1971 deficit from a forecast of \$6 million to figure which we understand may eventually be in neighbourhood of \$1 to \$2 million. We note, however, that the Committee indicates that if the level of 1972 contributions remains as in 1971, the UNRWA deficit, without reductions in services, would climb to approximately \$6.5 million. Moreover, due to successive deficits, UNRWA's working capital would be reduced to \$3.2 million by the end of 1971, a figure which we understand is insufficient to conduct day to day business.

I would like now to make some rather more specific remarks on the current and future financing of UNRWA operations. It seems remarkable that only 58 member states of United Nations were contributors in 1971. In addition, seven non-member states have made contributions. A glance at table 20 on page 88 of the Commissioner General's report (Docu A/8413) will reveal that some 83 percent of 1971 governmental contributions to UNRWA has been provided by only six countries, one of which is not a member of the United Nations. My Delegation considers that all nations should view UNRWA as a non-political organization carrying out, on their behalf, essential humanitarian functions in keeping with Article 1 of the Charter and in this light give serious consideration to contributing substantially in cash or in kind to its 1972 budget and thereafter to subsequent years budgets as may be necessary.



It might also be helpful if all contributors were to pay their cash contributions for 1972 as early as possible so that UNRWA might avoid inevitable interest charges associated with loans which may be required if its operating funds decline below an acceptable minimum. My Delegation would urge all contributors to assist in this way as much as possible.

The Canadian Delegation firmly believes that there can be no question that services provided by UNRWA for the Palestinian refugees are indispensable and must be continued. Such humanitarian work on their behalf is indeed worthy of the fullest possible worldwide support, both moral and financial. My Delegation regrets that despite such an undoubted claim to support, UNRWA and its officials must struggle with a debilitating lack of money, thereby detracting from their efforts to fulfill the irreducible needs of the refugees.

However, it should not be necessary to reiterate UNRWA's claim to the broadest possible support. Important questions to be decided in this debate are those related to the extension of the mandate of UNRWA and the provision of adequate financial resources to carry out that mandate. My Delegation would be prepared to support a mandate renewal of up to three years in the belief that, even given an early solution to persisting problems of Middle East, some UNRWA services would be required for at least that length of time. My Delegation believes that any shorter period of extension would be impractical and hopes that sufficient funds will be found, from both old and new sources, to support UNRWA's essential services for a further three year period.



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*M. Beaulne*

Government  
Publication

Press Release No. 19  
Thursday, December 9, 1971

Statement made in the Third Committee of the  
XXVIth General Assembly by Professor Ronald  
St. John Macdonald, Representative of Canada,  
on Agenda Item 61: Creation of the post of  
United Nations High Commissioner for Human  
Rights.

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Communiqué de presse N° 19  
Le jeudi, 9 décembre 1971

Déclaration prononcée à la Troisième Commission  
de la XXVI<sup>e</sup> Assemblée générale par monsieur  
le professeur Ronald St. John Macdonald,  
représentant du Canada, sur le point 61 de  
l'ordre du jour: Création d'un poste de Haut  
Commissaire des Nations Unies aux droits de  
l'homme.

VERIFIER LORS DU DISCOURS

**CANADIAN DELEGATION  
TO THE UNITED NATIONS**

**DELEGATION DU CANADA  
AUPRES DES NATIONS UNIES**



CANADA

Communiqué





Madam Chairman,

The Canadian delegation has from the outset supported the proposal to create the post of United Nations High Commissioner for Human Rights; and we have observed with satisfaction that many delegations have adopted a similar position as they have come to realize that the proposal does not involve an interference with their internal affairs.

We regret very much that the Third Committee has once again found it impossible to abide by its programme of work or otherwise to arrange its meetings so as to provide an opportunity for delegations who are interested in this item to generate the kind of debate that they believe the subject deserves.

It is an unusual situation to find that an item has been on the agenda since 1965 and has not been accorded the priority that is continually requested for it by an increasing number of delegations. This is particularly the case when the delegations concerned have expended much time and effort in consulting with representative groups and altering their text in order to take account of the views of other governments in anticipation of a full debate on the substance of their proposal.

It is our belief that in the interests of national procedures, the Committee must honour the reference to highest priority that appears in the procedural resolution before us, and that it must ensure that there will be an adequate debate at the next session of the General Assembly. Whatever the meaning of the concept of priorities within priorities, it is surely appropriate that next year, seven years after the start of the general debate on this item, there should be a sustained, systematic discussion of the details of the proposal.

Madam Chairman, in view of the fact that you have many speakers on your list, and that the views of our delegation were presented yesterday by the distinguished representative of Sweden, with whose statement we are associated, it will not be necessary for me to speak at length this morning. However, there





are one or two general observations that I would like to offer at the present time, and in doing so I will be as brief as possible.

For our delegation, the question before us is not a question of creating a new post simply to create a new post. We believe that the proposal to establish the office of High Commissioner for Human Rights is a practical and useful proposal; and that, once established, the High Commissioner will be in a position to discharge a variety of important functions. For example:

1. He will partly fill the supervision gap created by the inability of all but a few states to ratify the 1966 covenants on economic, social and cultural rights and on civil and political rights;
2. He will be available for advice and assistance on the request of states; and we know from the fact that governments in the past have sought advice in human rights matters from many sources, including non-governmental organizations, that there exists a large potential pool of clients if the right framework can be established and the right person found;
3. He will assist organs of the international community, especially the General Assembly, as a co-ordinator, fact finder and conveyor of good offices; and he may be in a position to suggest important subjects for the development of the law on human rights, for example, new conventions on conscientious objection or preventive detention. He may also be able to suggest model legislation that will be available to states at their request;
4. He will personalize the concern of the international community for human rights, and, generally speaking, work for the enhancement of the impact and effectiveness of the human



rights activities of the organization as a whole;

5. We believe that the office of the High Commissioner will provide governments with another method and another possibility for discovering effective solutions to certain of their human rights problems. We do not for one moment suggest that the High Commissioner will be able to solve all problems but we do believe that governments should not be deprived of the supplementary possibilities that his office will offer to them and to the international community.

Madam Chairman, the question is sometimes raised as to whether the General Assembly has the power to create the office by resolution or whether it could do so only by means of a convention. We would point out that there are ample precedents for the creation by the General Assembly of subsidiary organs to assist it in the human rights field; for example, the High Commissioner for Refugees, the Fact-Finding Mission to South Vietnam; the Committee on Information for Non Self Governing territories; the Committee of 24; the Special Committee on the Policies of Apartheid; the Special Committee of Experts on South Africa and numerous other bodies dealing with South Africa; all these have been created under the auspices of the General Assembly. The Assembly's power to establish the office envisaged by document A/C.3/L.1852 is clearly contained in Articles 22, 1(3), 13(b), 55, 56 and 60 of the Charter of the United Nations; and on any reading of these articles, especially Article 22, it is beyond question that the Assembly enjoys the capacity to create this particular post. In this connection, we should remind ourselves that the High Commissioner will be the creature of the General Assembly, subject to review, revision and recall, in no position to intervene on delicate matters of internal affairs, and in no way a kind of Trojan Horse.

From time to time, it has been suggested that the Charter of the United Nations requires a collegiate or



representative body rather than a single official. In this connection it is difficult to say which specific provisions of the Charter are relied upon in support of the argument for representative institutions. However, even if we accept the view that the most effective way of protecting human rights and fundamental freedoms is through international co-operation and concerted action by all members of the United Nations, it does not really follow that the members of the United Nations may not appoint a single official to assist them in this process. No derogation is thereby made from the need to develop a collective understanding; the important political decisions will still be made by the members, individually and collectively, a process in which we are engaged at the present time. To repeat the point that I have already made, the High Commissioner himself will be a catalyst for the development of concerted action by all members of the United Nations; he will not be a substitute for it. His office will constitute one agency more, not less, in the increasing variety of technique available to the international community.

In the opinion of the Canadian delegation, it is important to emphasize that the High Commissioner's main function will be the promotion rather than the enforcement of human rights standards. There will be no question here of compulsion or adjudication to force a state to do something that it does not want to do.

In this respect, we wish to underline the distinction between promotion and protection. As is well known, promotion looks to the future; it implies an attempt to determine inadequacies and even violations not so much in order that they may be punished but rather that similar situations may be prevented from re-occurring in the future. Protection is different. It looks to the observance and enforcement of rights that are already established under law. Protection relies mainly on court processes. Promotion makes use of a wider range of techniques.

Promotion looks to the day when protection, and the techniques that go with it, will be appropriate; that is to say, when precise legal obligations will have



been widely accepted by States and the whole process of correcting abuses rendered sophisticated by the adoption of more formal techniques of enforcement.

Madam Chairman, as we all recognize, that day may be a long time in coming. However, in the interim, it seems to us that we must do what we can to encourage States to abide by the principles of international morality that are being developed by the United Nations. It is in this context that the Office of the High Commissioner is conceived. It is certainly not contemplated that there will be any system of compulsion, interference or adjudication. The role of the High Commissioner will be that of promoter, not enforcer. The prestige and impartiality of his office, and the possibility of publicity, will be his main instruments for inducing States to promote human rights and to comply with their obligations. For these reasons, we believe that Governments need have no apprehension about the creation of this office.

Moreover, the High Commissioner will not be the first institution to encourage respect for international morality. The International Labour Organization's Freedom of Association Committee has, for a number of years, used conciliation and persuasion techniques to encourage governments to comply with the "morality" contained in unratified conventions relating to freedom of association. The Inter-American Commission on human rights operates with respect to the American Declaration of the Rights and Duties of Man. And the High Commissioner for Refugees uses his good offices to encourage states to abide by conventions dealing with refugees although these states may not be parties to them. None of these are judicial enforcement bodies. All of them have been reasonably successful.

To conclude this brief statement, I may say that the general views of my delegation on document A/C.3/L.1851 are as follows:

1. The creation of the Office of High Commissioner will not involve significant duplication of existing machinery;
2. The functions which the draft resolution proposes







to bestow upon the High Commissioner cannot now be discharged by the Secretary-General or by any other single official within the United Nations framework;

3. The Office is certainly not calculated to do harm;
4. Its creation holds out the promise of stimulating and strengthening the entire United Nations programme in the field of human rights;
5. No government has claimed that the draft is perfect, but many governments have acknowledged that it is a concrete suggestion as to how the Office could function without infringing relevant provisions of the Charter, therefore we believe that it deserves adoption with or without minor amendments at the 27th Session.





CANADA

Communiqué

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*M. Beaulne*

Government  
Publication

Press Release No. 20  
Tuesday November 30, 1971

Statement made in the Ad Hoc Committee of the  
General Assembly for the announcement of voluntary  
contributions to the United Nations Relief and Works  
Agency for Palestine Refugees in the Near East (UNRWA)  
by Mr. David W. Groos, Representative of Canada.

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Communiqué de presse No 20  
Le mardi 30 novembre 1971

Déclaration prononcée devant la Commission spéciale  
de l'Assemblée générale pour l'annonce de contributions  
volontaires à l'Office de Secours et de Travaux des  
Nations Unies pour les réfugiés de Palestine dans le  
Proche Orient (UNRWA), par Monsieur  
David W. Groos, député, représentant du Canada.

**CANADIAN DELEGATION  
TO THE UNITED NATIONS**

**DELEGATION DU CANADA  
AUPRES DES NATIONS UNIES**



Mr. Chairman,

The Government and people of Canada have the highest regard for the perseverance and dedication with which the United Nations Relief and Works Agency for Palestine refugees has pursued its demanding task. Canada has provided support, through contributions in cash and kind, ever since the Agency began operations in 1950. At the Pledging Conference last November, a Canadian contribution totalling \$1,350,000 for 1971 was pledged. Today, the Canadian Delegation is pleased to announce that, subject to parliamentary approval, Canada's contribution to the United Nations Relief and Works Agency's budget for 1972 will be \$1,550,000. This will consist of \$650,000 Canadian dollars in cash and \$900,000 Canadian dollars in food commodities. The increase of \$200,000 over last year's pledge reflects the Canadian Government's continuing concern that the invaluable efforts of the Agency to relieve the plight of Palestine refugees should be sustained.

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Monsieur le Président,

Le gouvernement et le peuple du Canada font grand état de la persévérance et du dévouement avec lesquels l'Office de secours et de travaux des Nations Unies pour les réfugiés s'acquitte de sa tâche difficile. Le Canada soutient l'Office, par des contributions en argent et en nature, depuis le tout début de ses activités, en 1950. A la conférence pour les annonces de contributions, en novembre dernier, le Canada a annoncé une contribution totale de \$1,350,000 pour 1971. Aujourd'hui, la délégation du Canada a l'honneur d'annoncer que, sous réserve de l'approbation du Parlement, la contribution du budget de 1972 s'élèvera à \$1,550,000, soit 650,000 dollars canadiens en argent et 900,000 dollars canadiens en denrées alimentaires. L'augmentation de \$200,000 sur l'annonce de l'an dernier montre combien le gouvernement tient encore à ce que se poursuive l'oeuvre inestimable que réalise l'Office pour soulager la souffrance des réfugiés palestiniens.





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Press Release No. 3  
Monday, September 25, 1972

COMPOSITION OF THE CANADIAN  
DELEGATION TO THE XXVII REGULAR  
SESSION OF THE GENERAL ASSEMBLY.

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Communiqué de presse n<sup>o</sup>. 3  
le lundi 25 septembre 1972

LA DELEGATION DU CANADA A LA  
XXVIIe SESSION DE L'ASSEMBLEE  
GENERALE DES NATIONS UNIES.

**CANADIAN DELEGATION  
TO THE UNITED NATIONS**

**DELEGATION DU CANADA  
AUPRES DES NATIONS UNIES**

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The Canadian Delegation to the 27th Session of the United Nations General Assembly, which opened in New York on September 19, consists of the following representatives:

The Honourable Mitchell Sharp	Secretary of State for External Affairs; Chairman of the Delegation
Dr. Saul F. Rae	Permanent Representative of Canada to the United Nations; Vice-Chairman of the Delegation
Mr. Paul St. Pierre	Parliamentary Secretary to the Secretary of State for External Affairs and Member of Parliament for Coast Chilcotin
Senator Renaude Lapointe	The Senate, Ottawa
Mr. Marvin Gelber	President of Atlantic Council of Canada
Mr. W.H. Barton	Ambassador, Permanent Representative to the United Nations, Geneva
Mr. J.E.G. Hardy	Ambassador of Canada, Spain
Mr. Bruce Rankin	Consul General of Canada, New York
Mr. J.G. McEntyre	Consul General of Canada, Los Angeles
Mr. J.A. Beesley	Legal Adviser, Department of External Affairs, Ottawa

In addition, advisers will be provided by the Department of External Affairs and by other Departments as appropriate.



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Press Release No. 4  
September 25, 1972

Statement delivered at the Plenary Meeting of the 1972 General Assembly of the United Nations by Mr. Saul Rae, Permanent Representative of Canada to the United Nations; Vice-Chairman of the Delegation.

CHECK AGAINST DELIVERY

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Communiqué de presse n<sup>o</sup>. 4  
le 25 septembre 1972

Déclaration prononcée par M. Saul Rae, représentant permanent du Canada aux Nations Unies et vice-président de la délégation, à la séance plénière de l'Assemblée générale des Nations Unies de 1972.

VERIFIER AU MOMENT DU DISCOURS

**CANADIAN DELEGATION  
TO THE UNITED NATIONS**

**DELEGATION DU CANADA  
AUPRES DES NATIONS UNIES**



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The interests of Korea and the Korean people are what should be uppermost in all our minds. The position of the Canadian delegation is based on the simple proposition that an acrimonious debate in this forum at this time would do nothing to serve those interests and could on the contrary leave damaging effects on the process of negotiations now underway between the two parts of Korea.

Last year, when the General Assembly decided that discussion of the Korean Question should be deferred, it did so in the hope that the talks between the Red Cross organizations in the North and the South would prove to be the beginning of broader contacts and further-reaching negotiations. At that time there were those who scorned such a hope. They argued that the Red Cross talks were without significance and could lead nowhere.

Happily, events in Korea since then have proved such arguments false. The pace and progress of North-South contacts have earned universal commendation. They have fully justified the hopes of those in the United Nations who had confidence in the will and capacity of the Koreans to overcome the most forbidding obstacles. They have fully justified the wisdom of the great majority of member states who voted at the 26th General Assembly to defer discussion of the Korean question.

My Delegation welcomes these developments without reserve and congratulates the parties on them. We have long had to endure repetitious and acrimonious debates on the Korean Question. And we had nothing to show for it. For one year we were spared that ordeal and the results have been impressive. For a while we had hopes there would be equally remarkable consequences here at the United Nations. We hoped we might see a constructive consensus emerge in response to the concrete developments in the area. When we learned in July of the proposal of a new item by a group - originally - of thirteen non-aligned states, we hoped we might see develop an even-handed and impartial approach, calculated to promote the movement toward a peaceful and durable settlement in Korea. Indeed the explanatory memorandum in Document A/8752 professed precisely this objective.

Unfortunately, these hopes did not last. Unlike the hopes we put in the ability of the Koreans themselves to pursue negotiations on equal terms, firmly based on the realities of the situation as they know them - and who can know them better? - our hopes for an equally constructive approach at the General Assembly have not been fulfilled. In our view a constructive approach to the independent and peaceful reunification of Korea requires, by definition, the equal and freely-given cooperation of both parties. It requires, by definition, the development of areas of agreement and the progressive reduction of remaining obstacles in a spirit of mutual accommodation.





We have seen what can be achieved in this way in the principles agreed upon by both North and South Korea in their joint communique of July 4 this year, which was cited in Document A/8752 as a principal reason for inscribing Item 96.

But does Item 96 really conform to this constructive approach? I am sorry to say that in our judgement it does not. Surely an even handed approach would imply consultations with both parties on the question of inscription of a new agenda item on Korea. In fact we understand no such consultations took place with respect to one of the parties. In fact it seems to us that developments at the United Nations in recent months have run directly counter to those in Korea. Far from responding to the profoundly different and better situation now prevailing there, we are asked here in New York to inscribe and discuss an item which for all intents and purposes would have the effect of reinstating the traditional manner of dealing with the Korean question in all its sterility and, no doubt, in all its acrimony.

Negotiations have begun in Korea because objective circumstances and the interests of the parties have made them possible, not because of external urging or the wishes of other governments. A General Assembly debate based on an attempt to alter those objective circumstances, or to undercut the concrete basis on which negotiations now rest, in order to promote the interests of one side at the expense of the other, can only do damage to what we should all be anxious to encourage.

In its report to the Secretary-General of August 18, 1972 (A/8727) the United Nations Commission for the Unification and Rehabilitation of Korea reviewed the developments which took place in the Korean peninsula over the past year. The Commission welcomed new contacts between North and South Korea and in its concluding observations stated as follows:

"The Commission, representing the United Nations presence in the field, considers from its observations that the growing detente in the peninsula benefited from the postponement of the General Assembly deliberations on the Korean items last year. The absence of serious incidents in Korea this year, the progress achieved in the Red Cross talks and the dialogue leading to the Joint Communique of 4 July 1972 appear to confirm this and to suggest that the absence of distractive debate continues to be a factor facilitating greater and more fruitful contact between the two parts of Korea."





The Canadian delegation fully subscribes to this view. There will undoubtedly be ways in which the United Nations can contribute further in future to a peaceful and equitable settlement in Korea. This is not the way. There will undoubtedly be a time when it can do so. This is not the time.

Those of us who seriously seek a peaceful and equitable settlement can put our confidence in the demonstrated will and ability of the Koreans to find one, and should do nothing to impede their search. Those who argue that the General Assembly has the duty to inject itself into that process would do well to reflect on their priorities. What comes first, the prestige of a debate in the General Assembly or the solution of an old and intractable political problem, which in its time has cost hundreds of thousands of lives? The solution depends ultimately on the parties - both parties - not on us. Such a solution is too important, and above all is beginning to seem too possible for partisan manoeuvres to be justifiable.

For these reasons, Mr. President, I shall support the recommendation of the General Committee for inscription of Items 37 and 96 on the Provisional Agenda of the 28th Session.



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Press Release No. 5  
Tuesday, September 26, 1972

Government  
Publications

Statement delivered at the  
Plenary Meeting of the 1972  
General Assembly of the United  
Nations by Dr. Saul F. Rae,  
Permanent Representative to  
the United Nations and Vice-  
Chairman of the Delegation,  
September 23, 1972.

CHECK AGAINST DELIVERY

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Communiqué de presse n<sup>o</sup>. 5  
Mardi, le 26 septembre 1972

Déclaration prononcée par  
Dr Saul F. Rae, représentant  
permanent du Canada aux Nations  
Unies et vice-président de la  
délégation, à la séance plénière  
de l'Assemblée générale des  
Nations Unies de 1972, le 23  
septembre 1972.

A VERIFIER AU MOMENT DU DISCOURS

**CANADIAN DELEGATION  
TO THE UNITED NATIONS**

**DELEGATION DU CANADA  
AUPRES DES NATIONS UNIES**

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The Canadian Delegation fully supports the inscription of the Item 99. We also support the recommendation that the question should be allocated to the Sixth Committee. We believe that in this way, this urgent matter, which is so important to the whole international community, can best be considered in a constructive and practical manner. A very human crisis is facing Member States and their innocent citizens wherever they may happen to be. This Assembly cannot turn away from this crisis, or allow a heated political debate to impede thorough consideration of the general aspects of this common international problem.

We all realize that in dealing with this difficult matter there will be conflicting views. But the world is watching what we do here, and the present dangerous and tragic developments can only be arrested and, hopefully, reversed if the Assembly rises to the challenge placed before it by the Secretary-General. Many Delegations, including the Canadian Delegation are prepared to work for a successful outcome of the deliberations which must result from this initiative. Surely here is an opportunity to show that the United Nations is capable of dealing effectively and positively with an issue which is truly international in its scope.

There are few Member States represented here today whose citizens have not suffered grievously from the growing number of terrorist acts, perpetrated in the name of some higher cause which is held to transcend the rights of lives of human beings, or out of vengeance for real or imagined wrongs, or out of cupidity or mere madness. This sad fact alone - and it is a fact, not the product of overheated fancy or tendentious propaganda - increases the urgency of finding some method of dealing with the problem. The methods we seek would be generally acceptable because they would protect the lives and liberties of people in their full plenitude not, restrict them.

As the Canadian Secretary of State for External Affairs stated on September 14th, "Acts of terrorism are of international concern and must be faced by the international community acting in concert...Canada will work for a successful outcome of the deliberations likely to result from the Secretary-General's initiative. No one should minimize the difficulties nor expect that positive results will be achieved immediately. The Canadian Government realizes that in dealing with this difficult area there will be conflicting views but acknowledges that international action involving intensified contact and communication with all would undoubtedly be the most effective way of dealing with terrorism since, it is in the interest of all to reverse the present dangerous and tragic trend. This can only be accomplished, if the question is considered in an atmosphere free of vituperative exchanges on specific issues."





The causes of international terrorism are no less complex than its manifestations are diverse. While this adds immense difficulties to our discussions it should no more dissuade the General Assembly from embarking on a careful and constructive examination of both causes and manifestations than should legitimate differences among Member States on any other issue of international peace and security.

We are especially concerned about the protection of innocent bystanders and the need to reduce what the Secretary-General has described as a "climate of fear from which no one is immune". If the United Nations should fail to keep this item on the Agenda of its current Session, the interests of all Member States will have been seriously damaged, and the United Nations' objective of harmonizing the actions of nations thwarted yet again. How can states pursue rational policies, achieve legitimate objectives, assess the course of international relations to which they must respond, when at any moment from any direction uncontrolled elements may disrupt the fabric of international life?

Canada has already been active in seeking broadly based agreement for practical measures to halt the challenge of international order. The Canadian Delegation expresses the earnest hope that the Assembly will begin its 27th Session with judgement and wisdom by recognizing the urgent need to consider and propose further concrete measures to reverse a dangerous trend in the world today. The Canadian Delegation intends to work closely with all others who wish to see a positive outcome to deliberations on this important subject.







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Notes for Address by

THE HONOURABLE MITCHELL SHARP,  
SECRETARY OF STATE FOR EXTERNAL AFFAIRS  
TO BE DELIVERED AT THE GENERAL ASSEMBLY  
OF THE UNITED NATIONS, NEW YORK CITY.  
SEPTEMBER 28, 1972

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Communiqué de presse n° 6  
Le 28 septembre 1972

Le texte du discours de  
L'HONORABLE MITCHELL SHARP,  
SECRETAIRE D'ETAT AUX AFFAIRES EXTERIEURES,  
A L'ASSEMBLEE GENERALE DES NATIONS UNIES,  
NEW YORK.  
LE 28 SEPTEMBRE 1972

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VERIFIER AU MOMENT DU DISCOURS

**CANADIAN DELEGATION  
TO THE UNITED NATIONS**

**DELEGATION DU CANADA  
AUPRES DES NATIONS UNIES**



500TH 50th Mr. President, the Canadian Delegation looks forward with hope and determination to the proceedings of the XXVIIIth Session, over which you will preside. We count upon you for that same wisdom and judgement which characterized your distinguished predecessor's term of office. Your election is a mark of our high regard for you and for your country. Poland symbolizes for the world the unquenchable flame of national will blazing out after centuries of darkness. We remember that the terrible war which brought this organization into existence began in the defence of Poland's national independence. We remember too, the debt every country in the world -- not least my own --- owes to the Polish people in all the arts of civilization. How fitting it is, Mr. President, that the year of your election should be the 50th anniversary of the birth of that towering genius, Nicolaus Copernicus, to whom all mankind stands debtor.

May I welcome you also, Mr. Secretary General, to the indispensable duties upon which you have embarked so vigorously. With the whole world as your province, you have already travelled widely. Canada was honoured by one of your first visits as Secretary General, as it was some years ago by your first appointment as an ambassador of your country.

Your concern for both the authority and the efficiency of the United Nations has been evident from the outset in the measures you have taken to assert the one, and enhance the other. You have our admiration and support. It is ~~currently~~ commonplace, Mr. President, to take a dark view of the performance and prospects of the United Nations. One respected international commentator observed just the other day, "The United Nations Organization has never been weaker than it is now", while your predecessor, Mr. Secretary General, has called the phase through which the organization is now passing "a time of trials".

There is ample evidence to justify a sense of defeatism. The international community often seems incapable of preventing war, powerless in the face of acts of terrorism, apathetic at the spectacle of starvation and misery and irresponsible in its willingness to risk permanent damage to the environment. We seek to explain this by observing that in a world of sovereign nation states, the United Nations is bound to reflect the weaknesses of the international society which produced it. Time and again, national egotism seems to be the ruling principle of that society.

This is at the root of the world's deep anxiety. For the better part of this century, we have known nationalism has imperfections. Yet mankind is not about to do away with sovereign states. Indeed,





the events of the century, "by breaking up old empires and multiplying new sovereignties, have acted as a stimulus to nationalism. New states are not willing to deny themselves the advantages they believe older states have gained from national independence. Certain great tasks of social and economic construction are indeed impossible except in conditions of independence and, while some advantages of independence may prove illusory, even this is irrelevant since the U.N. Charter establishes national sovereignty as a fundamental principle.

These are powerful considerations. In the face of them, it is unrealistic to plan for an international order in which the system, based upon sovereign national units, has been replaced. Instead, it is more hopeful and more sensible to work to transform the existing system encouraging it when necessary to produce the antidote to its own poisons.

There have been encouraging developments in this sense recently. Even in the brief space of time since we last met, relationships between the great powers have undergone a remarkable transformation. Earlier this year in Moscow, the two nuclear super-powers signed a Declaration on basic principles governing their relations, an Agreement limiting anti-ballistic missile systems, and an Interim Agreement on the limitation of strategic arms. Furthermore, the USSR and USA have reaffirmed the undertaking in the Non-Proliferation Treaty to pursue their negotiations to end the nuclear arms race and bring about actual measures of nuclear disarmament. The nuclear sponsors of the Non-Proliferation Treaty have a particular responsibility to adopt measures to curtail the nuclear arms race, thereby to prevent further nuclear proliferation. One such measure would be a ban on all nuclear testing. Surely it is time for the two super-powers to end underground tests, for the two states which continue to test in the atmosphere to cease their testing and for a complete test ban to be concluded.

The international community has a right to expect that the agreements concluded in Moscow will open the way to more far-reaching nuclear arms control and disarmament measures. But it by no means underestimates the historic significance of what has already been accomplished. Surely this amounts to a recognition that the search for a one-sided strategic advantage has become self-defeating and illusory and that the way ahead lies through a stabilized nuclear balance to nuclear disarmament itself.

In this same brief space of time, to Canada's great satisfaction, the People's Republic of China has taken its rightful place in the United Nations. Relations between China and the USA



and between China and Japan, have witnessed dramatic improvement. In Europe, breeding-ground of two world wars, the most significant steps in this generation have been taken to reconstruct relations between the Federal Republic of Germany on the one hand and the German Democratic Republic, Poland and the USSR on the other. The first general negotiations on co-operation and security in Europe since before the Second World War will soon begin, as well as negotiations to bring about a mutual and balanced reduction of forces in Europe.

Caution says that all these developments are only beginnings. But they could mark the greatest change in the international order since the United Nations was founded. If we are right to say that the United Nations reflects the international order on which it is based, can we be wrong to hope that these beginnings will sooner or later transform the United Nations as well? There are other hopeful developments. Dialogues have now begun between the two halves of Germany and Korea. These face enormous difficulties. But we can expect, that in the not too distant future, the universality of the United Nations will be strengthened through the extension of membership to the peoples of the divided countries. It will be strengthened as self-determination brings the era of colonial empires to its final end, especially in Africa, where the most intractable problems of securing human dignity and freedom are posed. Although the recent proceedings of the Security Council give little support to the view, surely it is no longer visionary to conceive of situations in which the Council will function as was originally intended, by consensus of the permanent members and of the United Nations as a whole, through co-operation rather than confrontation.

Mr. President, we founded the United Nations as the Charter says "to save succeeding generations from the scourge of war". More has been accomplished in this past year to remove that danger than in any year since this organization was created. Certainly so far as the risk of a general nuclear war is concerned, the hopeful evolution of great power relationships evokes deep feelings of relief, gratitude and satisfaction from us all.

It would be a bitter irony, Mr. President, if the safer, saner world which seems at last a possibility rather than a dream should turn instead into a world in which the stream of violence simply cuts new channels.

Time and again, the smaller countries have called for an end to the nuclear arms race, an end to nuclear confrontation. We have sought an international order, in which the great powers conceived it neither as their interest nor their obligation to attempt to police the world. Now the great powers in their own





interest and in the interest of us all, are moving in this direction. Is the new security and freedom, which will thereby be available to all countries, large and small, to be dissipated in new forms of violence? Must we admit that only the fear of nuclear escalation has allowed us some limited success in the past generation in controlling recourse to force? Yet the international community has no answer to the dilemma of deciding at what point local violence has such wide and obvious international implications that it can no longer be accepted as a purely domestic matter. We struggled with this problem last year in the crisis in Bangladesh and even where violence is plainly international from the outset, our means of dealing with it are often pitifully weak. There are those in the world who appear to believe that the norms of civilized international life are not for them. They consider that they have a right to pursue their grievances with kidnapping, piracy, murder, and wholesale terror and violence.

The problem is growing. It has become world-wide. My own country has had its tragic experience of violence of this sort. Canadians instinctively share the horror and shock which these acts produce wherever in the world they may occur. The Canadian Government understands only too well the agonizing choices governments face when called upon to deal with a sudden nightmare of violence.

Terrorism takes many forms. It is called forth by a wide range of complex situations. The rights and wrongs of these situations are bitterly contested. It is simple realism to recognize all this. But the problem cannot be ignored because it is difficult: there must be no truce with terror. Some acts of terror are the work of deluded and demented criminals; others of frustrated and desperate men willing to sacrifice their own lives and the lives of innocent people in what they regard as a noble cause. When we agree that the cause is noble, we are tempted to condone the terror. But are we wise to do so? The act we condone today may be the one we regret tomorrow, when it is turned against us. For terrorism in the end affects everyone; it is an attack on civilization at large. Violence breeds violence, murder answers murder and order dissolves in chaos.

Therefore, Mr. Secretary-General, we approve your initiative in seeking to have the subject placed upon the agenda. A number of delegations have reservations about the debate upon which the Assembly is to enter. Some fear it will be too diffuse to be useful; others that it will be too narrow to be constructive. It need be neither. The Canadian Delegation looks upon it as a way to focus international concern upon the whole range of acts of terror and to stimulate action both by international bodies, such as ICAO and the International Red Cross, and by governments acting within their own powers or under bilateral agreements.



The means of dealing with the problem will be as varied as its forms. Some international legal instruments already exist for the purpose. These should be quickly strengthened through ratification by as many states as possible. Perhaps new international machinery and new international legal instruments will be necessary as well. Then, let us create them. How can the world, which has declared slavery, piracy and the drug traffic beyond the pale of civilized life, fail to outlaw terrorism? The Canadian Government, which has already amended its domestic law, entered into bilateral negotiations to limit terrorism in the form of hi-jacking and ratified the international conventions concerned, stands ready to contribute to the strengthening of international law to outlaw terror.

The task is formidable. But the United Nations has responded to challenges of equal difficulty in the past. Since we cannot expect national loyalties to disappear, we must work to temper these loyalties by a growing sense of responsibility on the part of individuals and governments to the international community at large. I suggest that a consciousness of this responsibility is growing in ways unknown to previous generations.

Consider the field of human rights. It would be easy to multiply examples throughout the world of violations of human rights. The task of creating and ensuring respect for agreed international standards has been daunting. Deep historic and cultural differences have produced widely differing views of the true source and proper extent of individual rights. These differences are profound. How can we legislate them out of existence? Yet, in the covenant on civil and political rights and the covenant on social, economic and cultural rights the international community has legislated successfully. In doing so, it has recognized that there are limits to the exercise of state sovereignty, and that certain rights attach to individuals: among others, right to life and freedom, to liberty and personal security, to fair, prompt justice, to freedom of thought, conscience and religion: and the right to leave any country, including one's own.

The task now is to ensure that these rights are honoured in practice. So far as my own country is concerned, I am glad to say that the constitutional difficulties which have delayed Canadian ratification of the human rights covenants are well on the way to being overcome. Through national experience and international example, Canadians have come to appreciate that the field of human rights is another sphere in which national and international obligations reinforce each other.

Among the most serious challenges to the honouring of human rights today lie in Africa. In South Africa the very system of apartheid does violence to the concepts embodied by the international community in the covenants on human rights. In Rhodesia, an illegal regime continues to deny to the majority of its citizens even the hope of the basic rights to which they are entitled and now in Uganda, a new form of danger has arisen. I do not wish to enter into the substance of the question. Obviously, however, the situation in Uganda requires the exercise of the greatest restraint on the part of the Ugandan Government if the Asian community is to be allowed to



leave in conditions of reasonable dignity and security. Humanity on the part of other governments is required as well, so that the tens of thousands who may ultimately be affected by enforced expulsion may have a generous reception in the many countries of the world where their talents could find new and useful expression.

The great programs for economic cooperation between the developing and the industrialized world are another instance in which a growing sense of obligation to the international community has become an expression of enlightened nationalism.

The whole notion that this world venture should be undertaken at all has only become part of general public consciousness in the last twenty years. And once again, those who are looking for reasons to be discouraged, after a relatively brief effort, find their case ready-made. From the statistics of the first development decade, we know that per capita incomes in the developed countries -- already far higher than in the third world -- have been growing at not much less than twice the rate of incomes in the developing countries. We know that in the developed countries, the consumption of energy per capita is five to ten times the world average and that, quite apart from the difference in protein content, the intake of food in calories is almost twice as much per capita, as in the developing world.

These gaps are great. Some of them are growing. Meanwhile, the efforts of the developing countries to strengthen their economies are partially absorbed in supporting populations which in Asia, Africa and Latin America are growing at the rate of between two and three percent a year -- double or more the rate for Europe and North America.

The resources devoted to attacking these problems of development and disparity are undeniably inadequate. If they are to be increased in quantity and quality, the developing countries must continue their heroic efforts, while the developed world finds ways of increasing the measure of its participation. The attack must focus equally on social issues, given the interdependence of social progress, and economic growth.

In Canada, I am glad to say that sustained public consciousness of these problems has permitted the Government to make steadily increasing resources available for programs of economic cooperation. I expect this trend to continue. It will be combined with an intensified search to ensure that the cooperation is extended in the forms we are best fitted to provide and our partners best fitted to use. In hand with this, will go measures to improve the terms on which the developing countries have access to our markets.





In economic relations generally, discouragement at some current tendencies would be justified. There is still an inadequate international framework within which to adjust the trading relations of the developed with developing economies, and the market with the socialist economies. Among the major trading nations, there are distressing tendencies towards protectionism, associated in part with the growth of trading blocs. International monetary machinery labours under extraordinary strains and requires urgent strengthening. Yet all these problems are recognized. They are under repeated attack in ECOSOC, UNCTAD, in the IMF and the GATT, in the regional economic commissions and elsewhere and not without success; in the last analysis, a sense of common purpose leads gradually to overcoming national differences.

If we wish to measure our progress, we have only to recall the economic chaos of the period between the two world wars. Then rampant nationalism combined with economic ignorance to bring the world economic system down in ruins. How many of the political failures of that period can be traced to economic failure. For all its faults, the present world economic structure, and the institutional framework for economic cooperation which has grown up under the United Nations, is an infinite improvement. But perhaps the most dramatic example of the rapid development of an international conscience and sense of international responsibility concerns the protection of the environment. Even ten years ago, threats to the balance of nature were a matter for specialists. The public generally, and governments generally, were hardly aware that problems existed. In a matter of a few years, we have awakened to the risk that we may be doing irreversible harm to the national order which sustains life upon the planet.

The Stockholm conference was the world community's first response to this challenge. It will undoubtedly take its place as one of the major conferences in United Nations history. Through the declaration of the conference, it has established a kind of "environmental charter", providing a sound basis for the development of international environmental law and other cooperative measures for the protection and enhancement of the human environment. The recommendations for action agreed to by the conference demonstrate the willingness of governments to work towards this goal. The endorsement of these recommendations consistent with the spirit and sense of purpose displayed by the declaration will, in the Canadian view, be one of the major achievements of this Assembly. The Stockholm conference declared fundamental principles of international environmental law.





The international community now has an opportunity to make a further advance in strengthening the international legal regime as it affects the environment. This is in relation to the law of the sea. Canada, like many other countries, is in favour of convening the third law of the sea conference in 1973 but only if preparations are adequate. This will be possible if, the seabed committee is able to hold two further sessions during 1973. Then, the conference could be formally launched with an organizational meeting in the fall of 1973. ~~the subject of the seabed committee~~

Mr. President, those who wrote the Charter had certain clear ideas about what was needed to preserve international peace and security. They inherited some social, economic and legal machinery and devised more. But the most fore-sighted of them could not have anticipated many of the problems that have preoccupied the United Nations since. The whole range of exercises in peace-keeping: the transition to the post-colonial world: the machinery of economic cooperation between the developed and developing countries: the extended protection of human rights: the work accomplished in relation to the environment; the seabed and outer space, all have called forth activity unimaginable in 1945.

In a remarkable way, the organization has risen to these demands. It has done so by creating a large and complex family of agencies so large and complex, indeed, that strong administrative leadership is as crucial to the continued authority of the United Nations as political leadership itself. To ensure that the machinery functions at maximum effectiveness on a sound and equitable financial basis is a problem of the first order. The Canadian Delegation will work to ensure that this problem receives the steady attention it deserves. Considerations of cost and complexity are, however, a reminder that a price has to be paid if the United Nations is to be flexible and dynamic.

I contend that it has displayed these qualities. The successive challenges of the last generation have been met with only two changes in the Charter, to increase the membership of the Security Council and the Economic and Social Council. Apart from this, we have built upon the Charter machinery, giving a living interpretation to the Charter itself. While it has been difficult in practice to secure the required degree of agreement to amend the Charter, this does not seem to have prevented the United Nations from keeping up with the times. Canada is ready to look seriously at any specific proposals to amend the Charter or make it work better, if these have broad support among member states. But I am not convinced that a new Charter that could be agreed upon now would be better than the Charter written in 1945.



Mr. President, I have struck a hopeful note. I may be criticized for that. But I am convinced this is the right perspective. We have to concentrate on the problems of the day. This Assembly will have to concentrate on measures to prevent terrorism, to consolidate our first advance in the environmental field, to secure administrative and budgetary reform, to protect human rights in Africa and elsewhere, and to develop international law, especially the law of the sea and the law governing air piracy. Meanwhile, the Security Council may well be obliged to deal with threats to peace should for example the current tension in the Mideast rise dangerously. All these matters are sources of deep concern. To deal with them successfully -- to deal with them at all -- will, we know, lead us at times into anger, frustration and despair.

It is therefore, a healthy corrective to lift our heads from these problems on occasion, to remind ourselves of the great work the United Nations has accomplished in the past, and to seek to trace those currents in human affairs which give hope that its greatest accomplishments lie ahead.



Discours prononcé par l'Honorable Mitchell Sharp,  
Secrétaire d'Etat aux Affaires extérieures à la XXVII<sup>e</sup>  
Session de l'Assemblée générale des Nations Unies tenue  
à New York le 28 septembre 1972.

Monsieur le Président,

La Délégation du Canada entrevoit avec espoir les délibérations de la XXVII<sup>e</sup> Session dont vous aurez la présidence. Nous sommes assurés que vous ferez preuve du jugement et de la sagesse qui ont caractérisé le mandat de votre distingué prédécesseur. Votre élection témoigne de la haute estime que nous portons à votre égard ainsi qu'à votre pays. La Pologne symbolise, aux yeux du monde entier, cette flamme inextinguible de détermination nationale qui renaît après des siècles d'une relative obscurité. Nous nous rappelons que la guerre qui fut à l'origine de la création de cette organisation prit naissance avec la défense de l'indépendance nationale de la Pologne. Nous sommes également conscients de la dette de toutes les nations (sans oublier le Canada) envers la Pologne dans le domaine de la propagation des arts. Il est vraiment heureux, Monsieur le Président, que l'année de votre élection coïncide avec le 500<sup>e</sup> anniversaire de naissance de Nicolas Copernic, ce génie universel auquel l'humanité toute entière est redevable.

J'aimerais également vous souhaiter la bienvenue, Monsieur le Secrétaire général, à ce poste important que vous avez accepté avec énergie et enthousiasme. Avec le monde entier comme territoire, il vous a fallu voyager considérablement. Vous avez honoré le Canada d'une de vos premières visites, comme vous l'aviez fait, il y a quelques années, lors de votre première nomination à titre d'ambassadeur de votre pays.

Votre souci concernant l'autorité et l'efficacité des Nations Unies a été évident dès le départ comme en témoignent les mesures que vous avez prises pour affermir l'une et accroître l'autre. Nous vous admirons et nous vous appuyons.

Il est courant aujourd'hui, Monsieur le Président, d'envisager l'efficacité et les projets des Nations Unies de façon peu optimiste.





Un observateur international réputé a fait l'autre jour la remarque suivante: "La situation de l'organisation des Nations Unies n'a jamais été aussi chancelante qu'à l'heure actuelle". Et votre prédécesseur, Monsieur le Secrétaire général, a qualifié la phase que traversait l'organisation de "période d'épreuves".

Bon nombre d'exemples semblent justifier ce sentiment de défaitisme. La communauté internationale semble souvent incapable de prévenir les guerres, les actes de terrorisme. Elle semble se montrer tout aussi indifférente au "spectacle" de la faim et de la misère qu'irresponsable en permettant que des torts irréparables soient causés à l'environnement. Nous pouvons tenter d'expliquer cette situation en soulignant que, dans un monde d'états souverains, l'organisation des Nations Unies ne peut que refléter les faiblesses des sociétés qui l'ont fondée. L'égoïsme national semble toujours en constituer le principe dominant.

Ce problème est à la source de l'inquiétude de l'humanité. Nous savons depuis longtemps que le nationalisme ne constitue pas la solution idéale. Toutefois, l'humanité ne délaissera pas de sitôt le concept de l'état souverain. En effet, les événements marquants du siècle, en détruisant les anciens empires pour donner naissance à une multitude de nouvelles souverainetés, n'ont fait que raviver le nationalisme. Les nouveaux états ne sont pas disposés à renoncer aux avantages que les états plus anciens ont censément retirés de l'indépendance nationale. Certains projets socio-économiques de grande envergure ne peuvent être réalisés que dans un climat d'indépendance nationale et même si certains avantages de l'indépendance peuvent se révéler illusoire, cette dernière affirmation ne peut être concluante étant donné que la charte de l'ONU établit la souveraineté nationale comme un principe fondamental.

Ces arguments ont du poids. Il serait dès lors utopique d'essayer d'atteindre sur le plan international un ordre plus rationnel où le système fondé sur des unités nationales souveraines aurait été remplacé. Il semblerait plus logique et plus positif d'essayer de transformer le système en place et de l'inciter, au besoin, à trouver un antidote à ses propres poisons.





Récemment, nous avons été témoins de faits nouveaux et encourageants à cet égard. Même durant la courte période de temps qui s'est écoulée depuis la dernière session, les relations entre les grandes puissances se sont transformées de façon remarquable. Plus tôt cette année, les deux superpuissances nucléaires ont signé à Moscou une déclaration de principes régissant leurs relations, un accord limitant les systèmes de missiles antibalistiques et un accord provisoire sur la limitation des armes utilisées à des fins stratégiques. De plus, l'Union Soviétique et les Etats-Unis réaffirmaient leur intention, déjà annoncée par le traité non-prolifération, de poursuivre les négociations visant à mettre fin à la course aux armes nucléaires et à adopter des mesures concernant le désarmement. Les états dotés d'armes nucléaires qui parrainent le traité de non-prolifération ont la responsabilité particulière d'adopter des mesures visant à contrôler la course aux armements et ainsi empêcher toute prolifération ultérieure d'armes nucléaires. L'une de ces mesures pourrait consister en l'interdiction totale de toute forme d'essai nucléaire. Il est temps que les deux superpuissances cessent leurs essais souterrains, que les deux nations qui poursuivent leurs essais dans l'atmosphère mettent fin à ces essais et que l'on signe un traité d'interdiction totale des essais nucléaires.

La Communauté internationale est en droit de s'attendre à ce que les accords conclus à Moscou conduisent à l'établissement de mesures de plus grande envergure pour ce qui est du contrôle des armes nucléaires et du désarmement. Cela ne signifie nullement toutefois que la communauté sous-estime l'importance historique de ce qui a déjà été accompli, mais plutôt que la recherche d'un avantage unilatéral sur le plan stratégique est devenue autodestructrice et illusoire et qu'il faudra, à l'avenir, envisager le désarmement par l'entremise d'une stabilisation de l'équilibre des forces nucléaires.

Au cours de cette courte période, la République populaire de Chine a pris la place qui lui revenait au sein des Nations Unies, à la grande satisfaction du Canada. Les relations entre les Etats-Unis et la Chine et entre la Chine et le Japon se sont améliorées de façon radicale.



En Europe, théâtre de deux guerres mondiales, le rétablissement des relations entre la République fédérale allemande, d'une part, et la République démocratique allemande, la Pologne et l'Union Soviétique, d'autre part, a constitué l'un des progrès les plus marquants des dernières années. Les premières négociations générales sur la coopération et la sécurité européennes depuis la période précédant la Seconde guerre mondiale débiteront sous peu. On entamera également des négociations visant à une réduction réciproque et équilibrée des forces en Europe.

La prudence nous incite à supposer que ces faits nouveaux ne constituent que des amorces de solution. Ces "amorces" pourraient toutefois se révéler le plus grand changement à survenir dans l'ordre international depuis la création de l'organisation des Nations Unies. Si nous avons raison de dire que l'organisation des Nations Unies reflète l'ordre international sur lequel elle est fondée, comment risquerions-nous de nous tromper en espérant que ces amorces transformeront également les Nations Unies tôt ou tard? D'autres faits nouveaux nous permettent également d'entretenir un certain espoir. Les deux Allemagnes et les deux Corées ont entrepris des pourparlers qui, même s'ils s'avèrent extrêmement difficiles, nous laissent espérer que dans un avenir plus ou moins rapproché, le principe de l'universalité des Nations Unies sera affermi en permettant aux peuples des pays divisés de se joindre à l'Organisation. Ce principe sera aussi renforcé lorsque l'autodétermination supprimera une fois pour toutes le colonialisme, tout particulièrement en Afrique où se posent les problèmes les plus difficiles concernant la dignité et la liberté de l'homme. Bien que les délibérations du Conseil de sécurité n'abondent pas en ce sens, j'estime qu'il n'est plus illusoire de concevoir des situations où le conseil fonctionnera comme il avait d'abord été prévu dans la charte, c'est-à-dire avec l'approbation des membres permanents et de l'organisation des Nations Unies dans son ensemble dans un esprit de collaboration plutôt que d'affrontement.

Monsieur le Président, nous avons créé l'organisation des Nations Unies, "afin de protéger les générations futures des fléaux de la guerre".



On a fait des progrès plus considérables en ce sens au cours de la dernière année qu'au cours de toute autre année depuis la création de l'Organisation. En ce qui concerne la menace d'une guerre nucléaire à l'échelle mondiale, l'évolution heureuse des relations entre les grandes puissances permet à l'humanité d'éprouver des sentiments de soulagement, de gratitude et de satisfaction.

Ne serait-il pas paradoxal, Monsieur le Président, que ce monde plus sain qui semble enfin être une possibilité plutôt qu'un rêve se transforme en un monde ouvert à de nouvelles formes de violence?

A maintes reprises, les petites nations ont demandé instamment que cessent la course aux armes nucléaires et la confrontation sur le plan nucléaire. Nous avons cherché à établir un ordre international au sein duquel les grandes puissances ne se sentiraient ni tentées ni obligées d'exercer leur surveillance sur le monde. Maintenant, ces puissances s'orientent dans une telle voie, dans leur propre intérêt et dans celui du monde entier. Cette sécurité et cette liberté nouvelles dont pourraient bénéficier les grandes nations comme les petites devraient-elles donner lieu à de nouvelles formes de violence? Devons-nous admettre que seule la crainte d'une escalade des armes nucléaires nous a permis d'accomplir un faible progrès au cours de la dernière génération pour ce qui est de la lutte contre le recours à la force? La communauté internationale n'a pas encore pu décider à quel moment la violence localisée a des répercussions internationales tellement grandes et tellement évidentes qu'elle cesse d'être une affaire purement nationale. Nous avons dû faire face à ce problème l'année dernière lors de la crise du Bangladesh. Mais même lorsque la violence se situe nettement sur le plan international, nos moyens de la combattre sont souvent très insuffisants. Certains individus, certains groupes semblent croire que les normes d'une vie internationale civilisée ne s'appliquent pas dans leur cas. Ils estiment qu'ils ont droit de présenter leurs griefs en se servant de moyens aussi radicaux que les enlèvements, la piraterie, le meurtre, la terreur et la violence généralisées.





Ce problème ne cesse de croître, au point d'être devenu universel. Mon pays a connu une expérience tragique par suite d'actes de violence de ce genre. Les Canadiens ont une horreur instinctive de cette violence, où qu'elle survienne. Le Gouvernement du Canada ne comprend que trop bien les choix difficiles que doivent faire les gouvernements qui sont soudainement aux prises avec une telle violence.

Le terrorisme se présente sous plusieurs formes. Il est le fruit d'une gamme très vaste de situations complexes. Le pour et le contre de ces situations fait l'objet de vives discussions, il n'est que raisonnable de le reconnaître. On ne saurait toutefois se désintéresser du problème en raison de sa difficulté et il ne saurait y avoir de trêve avec la violence. Certains actes de terrorisme sont l'oeuvre de fous qui vivent d'illusions; d'autres, de gens frustrés et désespérés qui sont prêts à sacrifier leur vie et celle d'innocents pour ce qu'ils considèrent comme une noble cause. Lorsque nous convenons de la noblesse d'une cause, nous avons tendance à pardonner le terrorisme. Mais faisons-nous preuve de sagesse? L'acte que nous pardonnons aujourd'hui peut se tourner contre nous le lendemain. En définitive, le terrorisme nuit à tous et à chacun. Il constitue une attaque contre la civilisation toute entière. La violence engendre la violence, le meurtre répond au meurtre et l'ordre dégénère en désordre.

Par conséquent, Monsieur le Secrétaire général, la Délégation canadienne approuve l'initiative que vous avez prise d'inscrire la question du terrorisme à l'ordre du jour. Quelques délégations ont certaines réserves quant au débat qui va se dérouler à l'Assemblée. Certaines craignent qu'il ne soit trop diffus pour être de quelque utilité, d'autres, qu'il ne soit trop restreint pour apporter des éléments constructifs. Point n'est besoin qu'il en soit ainsi. Notre délégation considère ce débat comme un moyen d'attirer l'attention internationale sur toute la gamme des actes de terrorisme et d'encourager l'intervention d'organismes internationaux comme l'Organisation de l'Aviation Civile Internationale et la Croix-Rouge Internationale, ainsi que celle des gouvernements dans l'exercice de leur compétence respective et dans l'exécution d'accords bilatéraux.





Les moyens de traiter le problème seront aussi variés que les formes que peut prendre le terrorisme. Certains instruments de droit international existent déjà à cette fin. Il nous faudra les renforcer en amenant le plus grand nombre d'états possible à les ratifier. Nous aurons peut-être besoin d'un nouveau mécanisme et de nouveaux instruments de droit international. Il nous faut donc les créer sans tarder. Comment le monde, qui a déclaré que l'esclavage, la piraterie et le trafic de la drogue dépassent les bornes de la vie civilisée, ne parviendrait-il pas à faire échec au terrorisme? Le Gouvernement du Canada a déjà modifié sa législation, il a été partie à des négociations bilatérales visant à limiter le terrorisme issu de la piraterie aérienne, il a ratifié les conventions internationales pertinentes et il désire maintenant participer activement au renforcement du droit international de façon à faire échec au terrorisme.

C'est une tâche titanesque. Les Nations Unies ont cependant relevé des défis tout aussi difficiles dans le passé. Puisque nous ne pouvons escompter la disparition des loyautés nationales, nous devons tâcher de les atténuer en favorisant chez les particuliers et les gouvernements un sens plus aigu de leurs responsabilités à l'endroit de toute la communauté internationale. Je suis d'avis que la conscience de cette responsabilité progresse selon un cheminement étranger aux générations précédentes.

Prenons par exemple le domaine des Droits de l'homme. Il serait facile de relever de par le monde les innombrables exemples de violations des Droits de l'homme. La tâche de susciter et d'assurer le respect des valeurs internationales convenues a été décourageante. De profondes différences historiques et culturelles ont engendré des opinions fort divergentes sur la source véritable et l'étendue des droits civils. Ces différences sont profondes. Comment légiférer de façon à les éliminer? Néanmoins, par le pacte relatif aux droits civils et politiques et par le pacte relatif aux droits sociaux, économiques et culturels, la communauté internationale a légiféré à bon escient.



Elle a ainsi reconnu que la souveraineté des états a ses limites et que certains droits sont le propre des particuliers, notamment les droits à la vie et à la liberté, le droit à l'autonomie et à la sécurité personnelles, à une justice équitable et expéditive. Le droit à la liberté de pensée, à la liberté de conscience et à la liberté religieuse, enfin, le droit de quitter tout pays, y compris le sien.

Il s'agit maintenant d'assurer, en pratique, le respect de ces droits. En ce qui concerne mon pays, je suis heureux de déclarer que les difficultés constitutionnelles qui ont jusqu'ici empêché le Canada de ratifier les pactes sur les Droits de l'homme sont en bonne voie d'être aplanies. Grâce à l'expérience nationale et internationale, les Canadiens comprennent maintenant que le domaine des Droits de l'homme constitue une autre sphère où les obligations nationales et internationales se complètent.

Certaines des plus graves atteintes au respect des Droits de l'homme surviennent aujourd'hui en Afrique. Le système même de l'apartheid en Afrique du Sud va à l'encontre des principes reconnus par la communauté internationale dans les déclarations des Droits de l'homme. En Rhodésie, un régime illégal continue à interdire à la majorité de ses citoyens jusqu'à l'espoir de jouir des droits fondamentaux qui leur reviennent. En Ouganda, on a vu apparaître une nouvelle forme de danger. Je n'ai pas l'intention de traiter cette question à fond. De toute évidence, cependant, la situation en Ouganda exige que le gouvernement de ce pays fasse preuve de la plus grande prudence afin de permettre à la communauté asiatique de quitter le pays dans des conditions de dignité et de sécurité raisonnables. Les autres gouvernements doivent aussi se montrer humains de sorte que les dizaines de milliers de personnes qui pourront éventuellement être visées par des mesures d'expulsion puissent être accueillies généreusement par les nombreux pays du monde où leurs talents pourraient trouver une occasion nouvelle de s'exprimer utilement. Les grands programmes de coopération économique entre les pays industrialisés et les pays en voie de développement constituent un autre exemple où le sens grandissant des responsabilités à l'endroit de la communauté internationale traduit un nationalisme éclairé.



L'idée même de cette entreprise mondiale a pris racine dans la conscience du public au cours des vingt dernières années seulement. Là encore, ceux qui cherchent des raisons de se décourager après un effort relativement bref trouvent ici un nouvel argument. Grâce aux statistiques de la première décennie du développement, nous savons que les revenus par habitant des pays industrialisés -- déjà beaucoup plus élevés que ceux du Tiers-monde -- s'accroissent à un rythme presque deux fois plus rapide que celui des pays en voie de développement. Nous savons que dans les pays riches la consommation d'énergie par habitant est de cinq à dix fois la moyenne mondiale et qu'indépendamment de la teneur protéique, la consommation d'aliments calorifiques par habitant est presque le double de celle du monde en voie de développement. Ces écarts sont considérables. Certains vont s'aggravant. Entre-temps, les efforts déployés par les pays en voie de développement pour stimuler leur économie sont partiellement consacrés au soutien des populations qui, en Asie, en Afrique et en Amérique latine, s'accroissent à un rythme oscillant entre deux et trois pour cent par an, soit le double ou plus du taux de croissance de l'Europe et de l'Amérique du Nord.

Les ressources consacrées à la solution de ces problèmes de développement sont nettement insuffisantes. Pour en augmenter la quantité et la qualité, les pays en voie de développement doivent poursuivre leurs efforts héroïques et les pays nantis trouver les moyens de hausser le volume de leur contribution. On doit aussi s'attaquer aux problèmes sociaux, étant donné l'interdépendance du progrès social et de la croissance économique.

Au Canada, je suis heureux de le dire, la conscience que le public a de ces problèmes a permis au gouvernement d'affecter des ressources toujours plus grande aux programmes de coopération économique. Je crois que cette tendance se maintiendra. Elle s'accompagnera d'une volonté accrue d'assurer cette coopération en adaptant les ressources dont nous disposons aux besoins réels de nos partenaires. Nous prévoyons également adopter des mesures destinées à améliorer les conditions d'accès sur nos marchés des pays en voie de développement.





Pour ce qui est des relations économiques en général, certaines tendances actuelles justifieraient un certain pessimisme. Dans le cadre international actuel, il n'est pas facile de concilier les relations commerciales des économies industrialisées avec celles du monde en voie de développement ni les économies de marché avec les économies socialistes. Il existe, chez certaines nations commerçantes, des tendances alarmantes au protectionnisme, tendances qui accompagnent en partie la constitution de blocs commerciaux. L'appareil monétaire international fonctionne sous des tensions extrêmes et appelle une stabilisation immédiate. Néanmoins, tous ces problèmes sont reconnus comme tels. On s'y attaque sans relâche à l'ECOSOC, à la CNUCED, au FMI et au GATT, dans les commissions économiques régionales et ailleurs. Ces efforts ne sont pas vains et, en dernière analyse, le sentiment de poursuivre un même but permet de concilier peu à peu les différences nationales.

Si nous voulons faire le point, il suffit de nous rappeler le chaos économique de la période de l'entre-deux-guerres. Le nationalisme latent s'est alors allié à l'ignorance des réalités économiques pour conduire le système économique mondial à sa ruine. Combien d'échecs politiques de cette période découlent d'une faillite économique. Malgré leurs faiblesses, l'actuelle structure économique mondiale et le cadre institutionnel de la coopération économique qui s'est constitué sous les auspices des Nations Unies représentent une amélioration incommensurable. Toutefois, l'exemple le plus saisissant d'un essor rapide de la conscience internationale et du sentiment de la responsabilité internationale est sans doute celui qui s'est fait jour au sujet de la protection de l'environnement. Il y a dix ans à peine, les atteintes à l'équilibre écologique n'intéressaient que les spécialistes. Le public dans son ensemble, et les gouvernements en général, avaient très peu conscience des problèmes de cet ordre. En l'espace de quelques années, nous avons graduellement compris que nous endommageons peut-être irrémédiablement l'ordre naturel qui assure le maintien de la vie sur la planète.





La conférence de Stockholm a constitué la première réponse de la communauté mondiale à ce défi. Elle comptera sans doute parmi les grandes conférences de l'histoire des Nations Unies. La déclaration de la conférence a établi une sorte de "charte de l'environnement" qui fournira une base solide pour l'élaboration du droit international de l'environnement et l'établissement d'autres mesures de coopération destinées à protéger et à valoriser l'environnement. Les recommandations du plan d'action convenu lors de la conférence démontrent la volonté des gouvernements de se consacrer à la réalisation de cet objectif. L'acceptation de ces recommandations en conformité avec la vigueur et la détermination qui percent dans la déclaration constitueront, de l'avis du Canada, l'une des plus nobles réalisations de la présente assemblée. La conférence de Stockholm a proclamé des principes fondamentaux du droit international de l'environnement.

La communauté internationale a maintenant l'occasion de faire un pas de plus en renforçant la partie du régime juridique international qui touche l'environnement. Cela est relié au droit de la mer. Le Canada, comme de nombreux autres pays, favorise la convocation de la troisième conférence sur le droit de la mer en 1973, mais seulement si les travaux préparatoires le justifient. Il faudra d'abord que le Comité des fonds marins tienne deux autres séances en 1973. La conférence pourrait alors être lancée officiellement par une rencontre d'organisation à l'automne 1973, suivie de sessions de fond en 1974 et peut-être en 1975.

Monsieur le Président, les rédacteurs de la charte avaient des idées bien arrêtées sur le moyens de préserver la paix et la sécurité internationales. Ils héritaient d'un appareil social, économique et juridique qu'ils ont perfectionné. Les plus clairvoyants d'entre eux n'auraient cependant pas pu prévoir bon nombre des problèmes qui se sont posés depuis lors aux Nations Unies. L'éventail complet des opérations de maintien de la paix, la transition vers le post-colonialisme, le mécanisme de la coopération économique entre les pays industrialisés et les pays en voie de développement, la protection étendue des Droits de l'homme, le travail accompli relativement

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à l'environnement, au fond des mers et à l'espace extra-atmosphérique, toutes ces réalisations appellent une activité que personne n'aurait pu imaginer en 1945.

L'Organisation s'est montrée remarquablement à la hauteur de la tâche. Elle a créé un réseau d'institutions vaste et complexe, à tel point que les Nations Unies ont besoin, pour maintenir leur autorité, d'un vigoureux leadership tant administratif que politique. Assurer à l'appareil onusien un fonctionnement des plus efficaces sur une base financière saine et équitable, voilà qui constitue un problème prioritaire. La Délégation canadienne déploiera tous ses efforts pour que ce problème reçoive l'attention soutenue qu'il commande. Parler de coûts et de complexité, c'est toutefois aussi rappeler que pour assurer souplesse et dynamisme aux Nations Unies, il faut y mettre le prix.

Je soutiens que les Nations Unies ont manifesté de telles qualités. Les défis successifs de la dernière génération ont été relevés en exigeant que deux modifications à la charte, à savoir l'accroissement du nombre des membres du conseil de sécurité et du conseil économique et social. En outre, nous avons étendu les mécanisme prévus par la charte en donnant à celle-ci une interprétation dictée par la réalité. Bien qu'il ait été difficile d'obtenir en pratique le consensus nécessaire pour modifier la charte, cela ne semble pas avoir empêché les Nations Unies d'évoluer. Le Canada est disposé à étudier sérieusement toutes les propositions précises visant à modifier la charte ou à en améliorer l'application à condition que ces propositions reçoivent l'appui de la plupart des états membres. Je ne suis pas sûr, cependant, que la charte qui pourrait être adoptée maintenant serait meilleure que celle qui a été rédigée en 1945.

Monsieur le Président, j'ai parlé d'espoir. On peut m'en tenir rigueur, mais j'ai la conviction d'avoir adopté une juste perspective. Nous devons faire porter tous nos efforts sur les problèmes de l'heure. L'Assemblée devra se donner comme tâche principale l'adoption de mesures visant à prévenir le terrorisme, à assurer la réforme administrative et budgétaire, à protéger les Droits de l'homme en



Afrique et ailleurs ainsi qu'à élaborer le droit international, surtout le droit de la mer et le droit régissant les détournements d'avions. Entre-temps, le conseil de sécurité pourrait bien être saisi de problèmes menaçant la paix, advenant, par exemple, une montée alarmante de la tension qui règne actuellement au Moyen-Orient. Toutes ces questions sont l'objet d'une vive inquiétude. Nous savons que le fait de les régler, le seul fait de les aborder, nous vaudra parfois des moments de colère, de frustration et de désespoir.

Je soutiens par conséquent qu'il est vain de quitter ces problèmes à l'occasion, de nous rappeler le travail formidable accompli par les Nations Unies par le passé et de chercher à découvrir, dans les affaires humaines, les signes qui permettent d'espérer que les plus grandes réalisations de l'Organisation sont encore à venir.





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Press Release No. 12  
Thursday, October 19, 1972

Statement made by Dr. Saul F. Rae,  
Ambassador, Permanent Representative  
of Canada to the United Nations and  
Vice-Chairman of the Canadian Delegation.  
Item 47: Report of the United Nations  
Conference on the Human Environment,  
delivered October 19th at the XXVII  
General Assembly, Second Committee.

CHECK AGAINST DELIVERY

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Communiqué de presse n° 12  
Le jeudi 19 octobre 1972

Déclaration prononcée le 19 octobre  
par M. Saul F. Rae, Ambassadeur,  
Représentant permanent du Canada  
auprès des Nations Unies et Vice-  
président de la Délégation canadienne.  
Point 47: "Rapport de la Conférence  
des Nations Unies sur l'environnement",  
devant la Deuxième Commission de la  
XXVII<sup>e</sup> Assemblée générale.

VERIFIER AU MOMENT DU DISCOURS

**CANADIAN DELEGATION  
TO THE UNITED NATIONS**

**DELEGATION DU CANADA  
AUPRES DES NATIONS UNIES**

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M Chairman,

I am pleased to have this opportunity to participate in our debate today on a subject to which Canada accords the highest priority - the preservation of the human environment. I especially welcome the opportunity to express the appreciation of my Government for the remarkable efforts of the Government and people of Sweden in hosting the United Nations Conference on the Human Environment and contributing so much to its success. This is, I think, also an appropriate moment to pay tribute to the Secretary-General of the Conference, Mr. Maurice Strong, whose imaginative work and wise guidance in the preparatory stages and during the Conference were so vital to its outcome.

The year 1972 may prove to be the most important in our collective history. It may prove to be not only the year in which we first perceived the global significance of maintaining an environment in which living things can survive and flourish, but also the year in which we took positive steps to translate our perceptions into action. Many people are saying that the Stockholm Conference on the Human Environment was a milestone in history. It demonstrated the widespread concern of nations about environmental problems, and through the determination of the participants, the Conference succeeded. Now, in this larger forum, we must take the next step; we must create the global machinery to ensure the security and integrity of the world's life-support systems.

Mr. Chairman, my country joined with others in serious preparations for the United Nations Conference on the Human Environment, our Delegation at Stockholm helped to frame many basic resolutions and to ensure that important recommendations were embodied in the final Action Plan. Because Canada has a long border and coastlines, an extensive continental shelf and highly industrialized areas contiguous with those of the U.S.A., principles of International Environmental Control are of particular concern. Canada helped articulate such principles, which were endorsed by the Conference.

It is important now to look ahead, building on the foundations of understanding that have already been laid. Perhaps I should take a moment to review a few of the positions taken by my country at Stockholm, in order to illustrate the importance we attach to moving ahead together in the future. At the United Nations Conference on the Human Environment, Canada:

- participated in the formulation of the declaration on the Human Environment;



- proposed endorsement in the Action Plan of the 23 principles on the Control of Marine Pollution and urged that the 1973 Law of the Sea Conference give further consideration to the rights of coastal states to act under international agreement to protect the marine environment;
- advocated that the living resources of the sea - in fact, all renewable resources - be managed for optimum sustainable yield on the basis of scientific evidence, and to this end is sponsoring a world-wide Conference on the Conservation of the Living Resources of the Sea in Vancouver in February 1973;
- indicated that it would allocate additional resources for research to develop criteria and standards for environmental quality to meet new global priorities;
- recognized that there would be additional costs for the implementation of environmental programs and indicated, therefore, that Canada would be prepared to increase and adjust aid to developing countries in order to assist them to incorporate their environmental concerns into their development planning;
- invited governments to attend an international Conference/Demonstration on Experimental Human Settlements to be held in Canada in 1975;
- strengthened the recommendations aimed at control of marine pollution by proposing the establishment of a World Registry of Clean Rivers;
- agreed to provide 3 of the 10 baseline stations to be located in remote areas to study long-term atmospheric trends, and to provide 7 of the 100 monitoring stations for the study of the atmosphere.

Mr. Chairman, the 109 recommendations that are embodied in the Action Plan proper are the product of long and careful study and deliberation. The Conference Secretariat, aided by international groups of experts, provided the drafts which were considered in depth by the Conference in the two weeks of meetings last June. I would suggest that there is little that we could do here that would improve those recommendations and that we should, indeed, endorse them as the basis for global environmental action.





For Canada's part, at least, we will undertake the national action needed to support implementation of the recommendations, and join with other states in international activities to the same end.

The recommendation on institutional and financing arrangements is of a different nature. It was a key accomplishment - a finely balanced compromise representing days of detailed discussions. The success or failure of the General Assembly in dealing with this recommendation will determine how effectively the United Nations itself will become a part of the world's new thrust toward the achievement of environmental quality. The environmental issue is, today, one of the major challenges facing the United Nations. Adoption of the recommendation on institutional and financial arrangements will establish the framework for effective international environmental co-operation and maintain the momentum that has at long last begun.

The achievement of environmental goals requires bold and decisive action, and it is for this reason, Mr. Chairman, that Canada strongly endorses the recommendation stemming from the Stockholm Conference for the establishment of a strong and vigorous Governing Council and Secretariat charged with providing policy guidance to, and co-ordination of, environmental programs. Once established, the first activity of the Governing Council should be to set priorities among the many legitimate, competing demands for international environmental programs. This and other aspects of planning to allow the orderly development of a satisfactory program must precede actual implementation. My Delegation believes that the Governing Council must have a primary position in the planning and co-ordination of all environmental programs carried on under United Nations auspices. We believe that the Specialized Agencies of the UN must retain a significant degree of operational independence over their environmental programs: at the same time all such programs must be fitted into a co-ordinated approach, bearing in mind the special responsibilities of ECOSOC under the Charter.

It is our belief that the realization of environmental goals established at Stockholm would best be brought about by a Governing Council which provides for full and appropriate representation of all regions. We believe that the pattern of representation at present utilized by the sessional committees of ECOSOC would be both practical and broadly acceptable.

The Secretariat required to support this new function in the UN system should be unique in several respects. Planning and co-ordination would be its main tasks. Thus, for efficiency it should be smaller in numbers than many other UN bodies, but its status and impact must be great. It's Executive Director, who





is to be elected by the General Assembly on the nomination of the Secretary-General, should be at a level commensurate with his responsibilities. His staffing budget should allow the employment of highly qualified and well-recognized experts in the field. Canada supports having administrative costs of the Secretariat financed from the regular UN budget, but the Secretariat should have sufficient resources and flexibility in their use to carry out the important mandate it will be given.

Canada supports the establishment of an environmental co-ordinating board to ensure co-operation and co-ordination among all bodies concerned in the implementation of environmental programs. If the board is to fulfil its co-ordinating role there will be a need for clarity by the Specialized Agencies in outlining their current objectives and goals.

Canada endorses the establishment of an Environmental Fund and has pledged between \$5 and \$7.5 million to it. While we do not wish to reopen the debate on the uses of the Fund and can support the pertinent section of the recommendation as it stands, it remains the Canadian view that the Fund should be primarily directed toward the financing of "inception costs" and not used for the continued financing of programs which should become the responsibility of the relevant Specialized Agency or Organization. To put it another way, the Fund might well be used as "seed money" where the Governing Council has outlined a program and noted where some capability can be found.

Financial resources are always limited and the demands upon them usually seem unlimited. That is why we consider priority setting and planning to be of first importance. That is why we think this rather small Fund should not be exhausted by a continuing requirement to support operational programs. And that is why we hope that member states will contribute generously to this Fund.

The Declaration on the Human Environment proclaimed at Stockholm is a testament of global integrity in its own right. There are those among us who would have preferred language of even greater strength to express the vital nature of the principles that must guide our actions in the years to come. Nevertheless, we may have come as close to the ideal as human imperfections will allow, and I would suggest, Mr. Chairman, that we let those principles that already form a part of the Declaration stand as they are, and confine our further attention to refining those additional statements of principle that were referred to this General Assembly.



Mr. Chairman, may I repeat, it is a time not to look back but to move ahead. The General Assembly charged the UN Conference on the Human Environment to recommend a framework for consideration within the UN of the problems of the Human Environment. I would say, in other words, that the Conference was asked to blueprint a plan to give man the environment to provide for a life of quality and dignity. We need this not just for our generation, nor just for our individual or national life styles as we express them now but to preserve and enhance the planet which we all share. The Conference has made its recommendations. Now it is up to the General Assembly to act on them. It is the earnest hope of my Delegation that it will do so positively and quickly.



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Press Release No. 13  
Tuesday, October 24, 1972

Notes for a statement by  
Ambassador J.F.C. Hardy,  
Representative of Canada  
on the Second Committee  
of the XXVII<sup>e</sup> United  
Nations General Assembly,  
New York City, October 24, 1972

CHECK AGAINST DELIVERY

Communiqué de presse n<sup>o</sup> 13  
le 24 octobre 1972

Le texte du discours de  
l'Ambassadeur J.F.C. Hardy,  
Représentant du Canada à  
la Deuxième Commission de  
la XXVII<sup>e</sup> Assemblée général  
des Nations-Unies  
New York, 24 octobre 1972

VERIFIER AU MOMENT DU DISCOURS

**CANADIAN DELEGATION  
TO THE UNITED NATIONS**

**DELEGATION DU CANADA  
AUPRES DES NATIONS UNIES**

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Mr. Chairman,

Canada welcomed and encouraged the effort, in particular that of Argentina and Brazil, to resolve the difficulties concerning the principle on the duty to consult and to provide information. We are concerned however that Resolution 1227 goes beyond this principle and in fact includes an interpretation of the scope and significance of principles 21 and 22. These two principles were adopted by acclamation at Stockholm. Their preparation involved lengthy negotiations and a careful balancing of positions. We cannot agree with the way they have been interpreted in the draft Resolution. In effect, it is suggested that all that is required to effectively achieve - perhaps one could say fulfill - international cooperation on the environment is the provision and publication of information on activities which could have significant harmful effect on other states. It is suggested that the implementation of Principles 21 and 22 can be effectively achieved through the publication of knowledge. These two principles involve more than the right to exploit resources. They involve also the responsibility not to damage others in the course of exploitation. They involve the duty to develop new laws and procedures to settle disputes when damage does occur. Clearly to effectively achieve these objectives something more than the publication of information is required. Clearly a much more profound development of international environmental cooperative measures is contemplated. These two principles form the basis for the development of international environmental law. If the law does not develop there can be no assurance of cooperation between big and small countries on an equal footing as called for in Principle 24 of the Declaration. If the law does not develop there can be no assurance that the polluter will pay. Countries, like Canada, which are not great powers, must rely on the law and the constant improvement of the law to defend their interests. Mr. Chairman, this is why Canada is concerned about the interpretation - or might I say the possible misinterpretation - of the scope and significance of principles 21 and 22 as contained in Resolution 1227.

Mr. Chairman, the amendments submitted by Canada are intended to remove, at least to some extent, such misinterpretation respecting the implementation of Principles 21 and 22. We must retain the integrity of these principles; it is in the common interest to do so. Despite concern about other aspects of Resolution 1227, we have not proposed any other changes. In the spirit of cooperation and in recognition of the political sensitivities involved we have minimized the changes to those we consider essential. Surely in this same cooperative spirit, the originators and cosponsors of Resolution 1227 should be able to accept them without too much difficulty. It would be remarkable indeed if this Resolution could not be changed by even one word in particular when it would appear to run contrary to a previously accepted consensus of the international community.





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Gouvernement  
Publication

Press Release No. 14  
Thursday, October 26, 1972

Statement on Disarmament Items,  
made in the First Committee of  
the XXVIIth Session of the  
General Assembly by  
H.E. Mr. W.H. Barton, Ambassador  
and Permanent Representative of  
Canada to the Conference of the  
Committee on Disarmament at  
Geneva.

CHECK AGAINST DELIVERY

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Communique de Presse No. 14  
le jeudi, 26 octobre 1972

Déclaration sur les points de  
l'ordre du jour concernant le  
désarmement, prononcée à la  
première Commission de la XXVII<sup>e</sup>  
session de l'Assemblée générale  
des Nations Unies par  
S.E. Monsieur W.H. Barton,  
Ambassadeur et Représentant  
permanent du Canada à la  
Conférence du Comité sur le  
désarmement à Genève.

**CANADIAN DELEGATION  
TO THE UNITED NATIONS**

**DELEGATION DU CANADA  
AUPRES DES NATIONS UNIES**

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Mr. Chairman,

In the years since the Second World War, millions of words, thousands of documents and endless hours have been devoted to the subject of disarmament. Few problems during this period can have been the subject of such lengthy consideration by scholars, diplomats, scientists and soldiers from all parts of the world. For no objective can there have been such unanimity of support in principle; yet none has shown such disappointing progress in implementation.

It is not my intention to belittle the results of disarmament negotiations during these years. In particular I might mention the Partial Test Ban Treaty in 1963, the Treaty of Tlatelolco in 1967, the Non-Proliferation Treaty in 1970, the Seabed Demilitarization Treaty in 1971, and the Biological Weapons Convention in 1972.

To these multilaterally negotiated achievements, one must add, of course, the agreements on strategic arms limitations which the Soviet Union and the United States have just ratified.

Canada has wholeheartedly welcomed all of these agreements and has promptly adhered to those which have been opened to her accession. While the list of agreements may seem impressive, one feels no undue satisfaction over the substance of the achievement. Indeed, nobody in this hall, nobody in this world can derive much sense of satisfaction from the rate of progress in disarmament negotiations to date. Without deprecating what has been accomplished, we must acknowledge that the record of disarmament is also, to a large extent, if I may borrow a phrase "a thing of shreds and patches" - of work which has been left uncompleted and of opportunities which have not been fully grasped.

The Strategic Arms Limitation Agreements between the United States and the Soviet Union represent an unprecedented attempt by two world powers to bring about a measure of sane control of the nuclear arms race which until now has appeared destined to continue accelerating at an ever increasing rate. The Soviet and United States Governments have shown wisdom in recognizing that they were engaged in a competition in which there could be only losers. The entry by these two powers into agreements on strategic arms limitation is a fundamental advance towards international security.

But this is only a beginning, Mr. Chairman. The world looks to the Soviet Union and the United States not to rest on these achievements, but to go on to agree to more far-reaching nuclear arms control and disarmament measures. For this reason we welcome the resumption in a few weeks of further strategic arms limitation talks, in the hope that they will bring about agreements which will further retard the thrust towards deploying even more destructive weapons. It is also our hope, Mr. Chairman, that the atmosphere of



understanding and mutual confidence generated through these talks will favour more rapid progress in other areas of disarmament and particularly in the rapid attainment of a comprehensive test ban.

Among the multilateral treaties in the field of disarmament which have come into force, the most significant is the Non-Proliferation Treaty. It seeks to reduce the danger of nuclear war by freezing the number of states which have access to nuclear weapons. It provides a way for non-nuclear weapon states to reconcile their recognition that it is not in their interest to possess nuclear weapons, with the affirmation of their undeniable right to benefit fully from advances in peaceful nuclear technology. But it also obligates the nuclear weapon states who have acceded to the Treaty to pursue negotiations leading to the control of their nuclear weapons. More than most treaties, therefore, the Non-Proliferation Treaty is founded on the need to establish and maintain mutual trust among both non-nuclear and nuclear powers. This treaty is not one in which half-measures can suffice. Its full effectiveness depends upon worldwide adherence, especially by states with nuclear facilities. It also depends upon its full implementation -- in particular of its requirements in regard to the application of international safeguards on nuclear material within states' peaceful nuclear facilities and in international commerce. For this reason, it is to be regretted that, of the countries with peaceful nuclear technology, only a few have as yet ratified the Treaty or concluded safeguard agreements pursuant to the Treaty. Nonetheless, I am encouraged to note that negotiations between the IAEA and EURATOM on NPT safeguard arrangements have been completed, thereby paving the way to ratification and implementation of the Non-Proliferation Treaty by a significant number of states with advanced nuclear facilities. But it must be noted that half of the period set until the holding of the review conference of the NPT stipulated in Article 8 of the Treaty has already elapsed, yet in no way can we claim that we have reached the halfway mark on the road to full implementation of the Treaty.

The international safeguarding of nuclear material used in peaceful activities is in itself an important contribution to international security. But it should not be forgotten that the counterweight to the acceptance by non-nuclear weapons states of controls on their peaceful nuclear activities is the pursuit by the nuclear weapon states of effective curbs on the nuclear arms race. Because of the power they possess, the nuclear weapon states assume a deep responsibility for the fate of mankind. It is therefore disturbing that two nuclear weapon states have thus far been unwilling to accept even the very limited obligations which would be placed on them by acceding to the Non-Proliferation Treaty.

But it is, if anything, even more regrettable that the two super powers, which have acceded to the NPT have made so little progress in fulfilling the obligations they have accepted. Surely the most important contribution to fulfillment of these obligations would be the completion of a comprehensive test ban, and this has properly been a principal preoccupation of the UCL.







The Partial Test Ban Treaty of 1963 was the first major achievement in efforts to halt the spiralling nuclear arms race. In one significant way, this Treaty established the pattern for all agreements negotiated since: it constituted international agreement to impose partial limitations on one aspect of the arms race, while incorporating a commitment by the parties to the Treaty to continue negotiations on the broader related issues which had been left unresolved.

The Partial Test Ban was a promising achievement in the arms control field because it resulted in a general decrease in testing in the atmosphere and under water. In the environmental field, it represented important progress because radioactive pollution was diminished. But the Partial Test Ban has not been universally accepted and radioactive pollution has only been diminished, not stopped. For this reason we commend and support the action of those delegations who have introduced Resolution L.611. The Partial Test Ban is also clearly deficient from an arms control point of view in not prohibiting underground nuclear tests. This deficiency has involved the CCL ever since 1963 in extended negotiations regarding the cessation of all tests - negotiations which have had no concrete results.

Because of the apparent unwillingness of most nuclear powers to halt testing, negotiations have not really got underway. The main justification advanced for refusal to agree to a comprehensive ban has been based on a difference of position regarding verification procedures. The argument has also been advanced that, until all testing powers are prepared to participate, further partial measures cannot be contemplated.

In attempting to break the deadlock over verification, the Assembly, over the past several years, has adopted a series of resolutions recommending greater international study of and co-operation in seismological means of detecting and identifying underground nuclear tests. In 1969, on a Canadian initiative, the Assembly invited the Secretary-General to conduct an international enquiry regarding the quality and quantity of seismological data which governments could supply from their scientific resources. There were substantive contributions from many countries and Canadian seismologists, with the co-operation of experts from several countries, particularly Japan and Sweden, have since tried to focus attention on the improvement of seismological techniques and on the exchange of information. The latest contribution to this programme was a working paper submitted to the CCL by the USA Delegation last session (CCL/388) reporting on the effect of improvements in seismological verification capabilities resulting from the inauguration of the first large array systems.

Last year, at the General Assembly, my predecessor put on record the view of the Canadian Delegation that the time had arrived for a concerted effort to bring the virtually unrestrained testing of nuclear weapons to a halt. Clearly the broad support given to Resolution 2828-C, designed to achieve this objective, demonstrated that the vast majority of members of the United



Nations shared that view. Resolution 2828-C, sponsored by Canada and fifteen other Delegations, urged the CGL to assign to the issue of nuclear testing the highest priority in its future work and urged the two major testing powers to resume substantive negotiations directed towards a compromise solution of the verification problem and to this end, to submit specific proposals for an underground test ban. As a further proposal for achieving progress, the resolution urged reciprocal measures of restraint on underground testing pending its prohibition. Such interim measures could involve decisions to reduce the size and number of nuclear weapons tests or indeed might take the form of an agreed moratorium. Such a moratorium, possibly of fixed duration, could be subject to termination if progress towards a CTB did not follow or if verification techniques proved unable to clarify ambiguous seismic events.

This annual review of the work of the CGL provides us with an opportunity to consider what has been the response of the nuclear powers to the clear enunciation of world concern regarding the escalation of nuclear testing, and to Resolution 2828. In fact, we have received no indication from the nuclear testing powers that they intend to respond to the call for restraints. The rate of nuclear testing remains undiminished. The testing powers, moreover, have not submitted to the CGL specific proposals for an underground test ban which would be acceptable to them as they were urged to do in Resolution 2828-C. They have largely ignored a suggested basis for negotiations already placed before the CGL. At the last session of the Conference, nuclear powers represented there only reiterated well-known positions on the basic problems at issue. The nuclear testing powers clearly have not assigned to the nuclear testing issue the priority which the last General Assembly urged upon them. Problems about ensuring that any ban is honoured have once again been adduced as the reason for inaction. I submit that now, in the improved international atmosphere resulting from SALT and given the demonstrated interest of the USSR and the USA in limiting strategic arms, we should, more than ever before, expect early and effective action by the testing powers on the question of nuclear testing. Surely a comprehensive test ban could form a logical complement to the SALT agreements. In exploring ways in which to progress from the SALT agreements already achieved, it is to be hoped that the two parties will review, as a matter of priority, their positions on the testing issue and recognize the necessity of moving towards the early ban of all nuclear weapon testing.

At this session, the General Assembly must do more than merely express regrets about continued testing in whatever environment it takes place. It must do more than merely exhort the testing powers or the CGL to strive towards the long recognized objective of a comprehensive test ban. The General Assembly can and should do both of these; but it must also put forward a firm and precise programme for action, sufficiently realistic to permit the expectation of concrete results.

In pursuit of this objective, the Canadian Delegation has been co-operating with other like-minded delegations during this session to develop a broadly acceptable resolution which will reflect these views and aspirations.





In consultation with Japan, Sweden and a number of other delegations, we have now arrived at what we consider to be a constructive call for action, which has been tabled as L.615 with the support of fifteen cosponsors. I shall speak to this draft resolution later in this debate.

Turning now to the second major issue which has involved the attention and efforts of the CCL during the past session, I should like to comment on discussions on the chemical weapons issue, which has been somewhat more encouraging than that recorded on the test ban item.

Two major steps towards our ultimate objective have been taken since the wholesale use of chemical weapons during the First World War brought to the attention of mankind the serious threat posed by such weapons of mass destruction. The Geneva Protocol of 1925 imposed the first restrictions by confirming the prohibition of "the use in war of asphyxiating poisonous or other gases". The Protocol's objectives have in fact been largely attained. But the Protocol did not rule out development, production or possession of chemical or biological weapons.

The CCL first tackled this problem in 1969 when attempts were begun to draft an international agreement which would ban the development, production or stockpiling of weapons, the use of which had been prohibited by the Geneva Protocol. When it became obvious that issues of substance, and in particular, broadly differing views with respect to adequate verification measures, made a ban on chemical weapons much more difficult to achieve than one on biological weapons, a pragmatic approach was adopted by the negotiators. As a result, the CCL submitted to the XXVIth General Assembly a draft treaty which, when it enters into force, will have the effect of banning completely biological weapons and toxins. That General Assembly endorsed the draft treaty and recommended it for signature.

Canada was a sponsor of the resolution endorsing the biological weapons treaty and signed the treaty as soon as it was opened for signature. We welcome the fact that to date more than ninety countries have signed the BW Convention and several, including Canada, have already ratified it.

Article VI of the treaty commits parties to continue negotiations in good faith, aimed at effecting a similar ban with respect to chemical weapons. During the past year, the CCL devoted considerable attention to this issue, although it has not yet been possible to arrive at an agreed draft convention which would achieve the comprehensive ban all countries seek.

Canada, like other members of the CCL, is in full sympathy with the objective of a total prohibition. In fact, Canada has already renounced the use in war of chemical weapons and their development, production, acquisition and stockpiling for use in warfare, subject only to reservations entered with Canada's ratification of the Geneva Protocol and which concerned solely the event that these weapons might be used against the military forces



or the civil population of Canada and its allies. Moreover, the Canadian Government would consider formally withdrawing these reservations if verifiable agreements to destroy all stockpiles and prohibit the development, production and acquisition of chemical weapons were concluded.

The way to a comprehensive ban on chemical weapons is impeded by major obstacles which did not apply to the negotiation of a ban on biological weapons. For this reason, it is not possible to consider the BW Convention as a model for a ban on chemical weapons. The difficulties of eliminating chemical weapons were clearly identified in the work programme submitted by the USA Delegation to the CCL early in the last session. Since that time, there has been much useful and constructive discussion in the Committee and a number of helpful working papers have been circulated contributing to a better understanding of the problems which remain unresolved. Moreover, a useful informal meeting took place on July 5 and 6 during which more detailed views were submitted by various members of the CCL, including both Co-Chairmen.

These discussions showed that it is essential that agreement be achieved on a technical definition which would identify agents and weapons to be banned and which would be capable of translation into unambiguous national legislation. A second major problem relates to ensuring that any prohibition agreed upon is respected by all parties. Any treaty must have an effective mechanism for dealing with complaints when they arise and the CCL has given careful consideration to procedures for automatic and impartial investigation of possible complaints. There is also need to provide specific and comprehensive provisions for destruction of existing stocks of chemical weapons and agents and for dismantling of development, production and weapons building facilities to ensure that parties to a treaty are confident that it will be observed.

This brief summary of some of the problems on which the CCL has been focussing points up the necessity of further technical study and exchange of views before any draft treaty can be submitted to the Assembly for approval. We look forward to constructive negotiations in the CCL towards an agreement on chemical weapons. We hope that to this end the current session of the General Assembly will adopt a realistic, non-controversial resolution which will urge the CCL to continue its efforts at achieving agreement. Such a resolution should also reflect world concern that the threat posed by stockpiles or production facilities relating to chemical agents for use in warfare should be forever removed.

Arms control negotiations to date have most often been concerned with methods for limiting, reducing or abolishing specific kinds of weapons. Another approach, however, has been that of attempting to moderate the arms race in defined areas of the globe as a step towards world-wide arrangements. The first effort in this direction was the Antarctic Treaty of 1959; it





contained far-reaching provisions on demilitarization which continue to enjoy the full respect of all its parties. A similar effort has been made in the Outer Space Treaty. A somewhat different concept is the basis of the Treaty of Tlatelolco - an imaginative and carefully worked out scheme to prohibit nuclear weapons in Latin America. We have noted with satisfaction that this treaty is now in force for the majority of countries in the area it is meant to cover. But it is a matter of regret to my Government and to many others that some nuclear powers have thus far withheld their endorsement of the treaty's aims and provisions, thus impairing its effectiveness. My Delegation considers that attempts to contain the arms race geographically should be encouraged. As negotiation of the Treaty of Tlatelolco demonstrated, arriving at agreement on an arms control convention on a regional basis is a complex and delicate task; to be effective, such agreements must have the broad support of the countries in the region, must take realistic account of the world military situation, and must be compatible with accepted principles of international law. Among the regional arrangements currently under consideration, Canada is particularly interested in a way being found to achieve mutual and balanced force reductions in Europe, and would welcome negotiations to this end. In the Canadian view, regional arms control measures will be an essential feature of efforts to ensure European security. The achievement of European arms control agreements would of course contribute to the security of the whole world and mark a significant point of progress towards the goals in disarmament.

In reviewing disarmament negotiations which have been conducted to date, one is struck by the variety of bodies which have been employed. Clearly the negotiating forum is an important factor in determining the pace, and even the ultimate success or failure of the negotiations. Thus, we must keep our minds open on how disarmament talks might best be carried on in each case. The introduction of a proposal to hold a World Disarmament Conference gives us a useful opportunity to review the situation once again. The views of the Canadian Government on the proposal for a WDC are set down in some detail in the note we submitted to the Secretary-General in response to Resolution 2833 (XXVI), which is contained in Document A-8317. Briefly, we would be prepared to support a World Disarmament Conference if there were good reason to believe that it could make a positive contribution to the achievement of agreements on arms limitation. To give this promise, it would be essential for any such conference to have the support of the preponderance of the world states and, in particular, of the five nuclear powers. Moreover, a conference of the size envisaged and dealing with such a complex problem would need to be given the most careful preparation. In addition, any decision to proceed in this direction should be made only if there is reasonable assurance that such a conference would not delay or adversely affect specific disarmament negotiations being held elsewhere.

It seems evident that any proposal to create a new disarmament body should take into account that there already exist several multilateral bodies which can be called upon for deliberation and the negotiation of precise



disarmament proposals; in particular, there is the CCL, which was set up in 1961 expressly for this task, and which over the years has produced an important series of agreements.

My government attaches importance to the continued existence of a disarmament negotiating body of limited size which includes the major military powers and adequate representation from all parts of the world. We recognize that the CCL is capable of being improved and we are concerned in particular by the absence of France and China from its deliberations; we are not convinced, however, that this situation can be rectified merely by tampering with the constitutional structure of the CCL, in the absence of any clear indication by those two powers that they wish to become actively involved in disarmament negotiations.

A number of suggestions have been made for procedural changes which would be designed to improve the efficiency of the CCL, and certainly they should be considered individually and on their merits. We think it would be misleading, however, to assume that procedural changes could contribute in a significant way to accelerating the CCL's conclusion of further disarmament agreements.

Progress in disarmament depends ultimately on the recognition by states that their security can be achieved more surely by effective agreements to limit and reduce levels of armament and sizes of forces than by the sterile attempt to win the race towards ultimate destructive capacity.

Mr. Chairman, Governments shape policies and make decisions on the basis of national interests as they perceive them. It is a sad fact that the history of the 20th Century is largely a record of what happens when national interests are wrongly perceived.

But the terrible consequences of past misjudgments were as nothing compared to the prospect facing the world if nuclear war should erupt. Furthermore, it is within the capacity of any one of the nuclear powers, acting on its unilateral assessments of purely national interests, to trigger a conflict which could well mean the end of civilization.

For the hundred-odd non-nuclear weapon states this is an intolerable situation. We must not allow ourselves to slide into passive acquiescence. The United Nations has no option but to hammer again and again at one essential point - it is no more in the interest of the possessors of nuclear weapons than for the rest of the world that they should jeopardize our common future by developing and deploying ever-larger nuclear weapons arsenals.

No Sir, - security does not lie in that direction. The real national interest of every country on this earth will be furthered by seeking the broader international interest - by making effective agreements to limit and reduce the levels of armaments and the size of forces. In this way, the threat of war ceases to be a credible tool in the hands of Governments. This is the goal we must all pursue.

Thank you, Mr. Chairman.





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Press Release No. 17  
October 31, 1972

Government  
Publications

Notes for a Statement by  
Dr. Saul F. Rae, Ambassador  
and Permanent Representative  
of Canada and Vice-Chairman  
of the Canadian Delegation,  
delivered at the 27th session  
of United Nations General  
Assembly on October 31, 1972.  
International Atomic Energy  
Agency Report.

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Communiqué de presse n° 17  
Le 31 octobre 1972

Notes d'une déclaration faite  
par M. Saul F. Rae, Ambassadeur,  
Représentant permanent du Canada  
auprès des Nations-Unies et Vice-  
président de la délégation cana-  
dienne, à la 27<sup>e</sup> session de l'As-  
semblée générale des Nations-Unies,  
le 31 octobre 1972.  
Le rapport de l'Agence internationale  
de l'énergie atomique.

VERIFIER AU MOMENT DU DISCOURS

**CANADIAN DELEGATION  
TO THE UNITED NATIONS**

**DELEGATION DU CANADA  
AUPRES DES NATIONS UNIES**

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The report of the International Atomic Energy Agency for the year 1971-72 which is now before us will doubtless have been reviewed in the capitals of members, and most members will also have had an opportunity to discuss the report at the sixteenth regular session of the General Conference of the Agency in Mexico only a few weeks ago. In addition, we have had the benefit of the statement by the distinguished Director-General of the Agency, Dr. Sigvard Eklund, who in his discussion of the work of the Agency in the period under review has also referred to those aspects concerning which there have been significant developments since the report was published.

Accordingly, the General Assembly will not need from the Canadian Delegation a lengthy statement of the value of the contribution which the International Atomic Energy Agency is making - within the framework of its comparatively modest resources - to international cooperation in a field of ever-increasing significance. I shall simply recall, very summarily and without any attempt to suggest priorities, some of the major aspects of the Agency's activities as reflected in the annual report which has been submitted to this session of the General Assembly.

The period 1971-72 in the life of the Agency has been characterized by successful progress towards full implementation of the obligations which rest with the Agency as a consequence of the Nuclear Non-Proliferation Treaty. Following completion of negotiation by the Safeguards Committee last year of a model for Non-Proliferation Treaty safeguards agreements with the Agency, some thirty non-nuclear weapon states have now concluded their agreements. Of major historic importance was the Non-Proliferation Treaty safeguards agreement involving the Agency, Euratom and five non-nuclear weapon states members of the European Community, which has recently been approved both by the Board of Governors of the Agency and by the Council of Ministers of the Community. This agreement reflects great credit on all concerned. It is to be hoped that the Safeguards Agreement and the Non-Proliferation Treaty will soon be ratified by the five nations concerned.



Although the international community can derive satisfaction from the steady increase in the amounts of nuclear material subject to safeguards in accordance with the Non-Proliferation Treaty, we should not be realistic if we failed to note that there yet remain very considerable gaps to be filled in the edifice of a comprehensive Non-Proliferation System. We look to those non-nuclear weapon states which have not yet ratified the Non-Proliferation Treaty to do so and to implement international safeguards.

Of course, international safeguards are only one very important facet of the Agency's role. We strongly believe that the Agency's ongoing work in health, safety, radioactive waste management and environmental protection also deserves high praise and will indeed warrant even greater emphasis in coming years.

Side by side with these vital activities, the Agency has striven to maintain a balanced program of technical assistance in order to facilitate the efforts of developing countries to make greater use of the potential of nuclear energy for contributing to their industrial development and economic growth. In addition to bilateral channels for international cooperation, the Agency's own program has included assistance related not only to the timely introduction of nuclear power but also to the application of nuclear methods in food production, agricultural and life sciences. It is particularly significant that the number of large-scale projects which the Agency is executing for the United Nations Development Program has tripled in the year under review.

Clearly, Mr. President, the technical cooperation and promotional activities of the Agency are of direct importance to an overwhelming majority of member states, and it will need to maintain an active and well-balanced program in this field.

Finally, I should like to take note of the valuable work of cooperation pursued by the Agency in the field of nuclear science and technology and in particular the decision reached this year that an International Nuclear Information System (INIS) should be expanded to cover the full range of nuclear information.



The Agency faces tasks of growing importance and complexity. It was therefore fitting that some time ago an amendment was approved by the General Conference of the Agency to Article VI of its Statute, which prescribes the composition of the Board of Governors. That amendment provides for expansion of the representation of many areas of the world on the Agency's executive body. What remains is for this amendment to be ratified by fully two-thirds of the members of the Agency. Two-thirds of the required number of ratifications have now been deposited. The Canadian Delegation seizes this opportunity to urge those members of the Agency that have not yet done so to ratify the amendment to Article VI of the IAEA Statute so that the Board of Governors may be strengthened and "up-dated" without further delay.

With these thoughts in mind, my Delegation wishes to commend the Director-General on this report and on the solid achievements it records under his highly competent administration. We believe that the report reflects what has been, on the whole, a very successful year in the work of the Agency, as it continues to seek, in the words of its statute, "to accelerate and enlarge the contribution of atomic energy to peace, health and prosperity throughout the world".

Accordingly, the Canadian Delegation, together with those of Japan and Romania, has the honour to introduce the draft resolution in Document A/L.681 which we believe will command the general support of member states.





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Press Release No. 20  
Thursday, November 2, 1972

Government  
Publications

Notes for an address by  
J.E.G. Hardy, Canadian  
Ambassador to Spain and  
Morocco, Canadian Repre-  
sentative - Second Committee,  
XXVII Session of the United  
Nations General Assembly.  
Item 47: United Nations  
Conference on the Human  
Environment.

CHECK AGAINST DELIVERY

Communiqué de presse n° 20  
Jeudi le 2 novembre 1972

Texte d'un discours prononcé  
par J.E.G. Hardy, Ambassadeur  
du Canada en Espagne et au  
Maroc, et Représentant du  
Canada devant la Deuxième  
Commission de la XXVII<sup>e</sup> session  
de l'Assemblée générale des  
Nations Unies.  
Point 47: Conférence des  
Nations Unies sur l'Environ-  
nement humain.

VERIFIER AU MOMENT DU DISCOURS

**CANADIAN DELEGATION  
TO THE UNITED NATIONS**

**DELEGATION DU CANADA  
AUPRES DES NATIONS UNIES**





One of the most significant achievements of the Stockholm Conference and of its Declaration on the Human Environment was the major contribution it made to laying the foundations for the future development of International Environmental Law. As was stressed in Parliament last June by the Canadian Minister of the Environment, the Declaration contains important legal principles actively advocated by Canada which are analogous in scope and effect to those legal principles declared by the UN in the field of Outer Space and Human Rights. It is worth recalling briefly, therefore, that these principles include the duty of every state not to pollute the environment of other states, the duty not to pollute the sea, the air and outer space beyond the jurisdiction of any state, and the duty to develop the law concerning liability and compensation in respect of such damage. A further consequential principle discussed at Stockholm is the duty of states to consult with or notify other states of activities which may have an environmental impact upon them. This principle received close to unanimous support but was referred to the present session of the General Assembly for further consideration.

In this regard my Delegation and Government are gratified that it has been possible for the Governments of Brazil and Argentina to reach agreement bilaterally on this remaining principle. As you and members of the Committee know, Mr. Chairman, Canada among other countries has been concerned that the draft resolution worked out by the Delegations of Brazil and Argentina and co-sponsored by many other Delegations - resolution before us in Document A/C.2/L.1227 - could or might be envisaged as having some of the detrimental effects referred to in our earlier statement in the Committee on this subject. I need not again detail the reasons for the concern, for they are, I am sure, well known and well appreciated by all members of the Committee. Let me say only that the Canadian position has been one of principle based on our unshakable adherence to both the spirit and letter of what was agreed at Stockholm. It was for this same reason that the Canadian authorities considered it necessary to have my Delegation introduce the amendment contained in Document A/C.2/L.1233.

Subsequent to our introduction of that document, statements were made on October 26 by the distinguished Representatives of Brazil, Argentina and the USA recording their Governments' interpretations of the relationship between draft Resolution 1227 and the Stockholm Declaration on the Human Environment. These valuable explanatory statements have reflected a true spirit of conciliation in our efforts to overcome the difficulties with which we have been faced. They have been studied with great care by the Canadian authorities and the Canadian Government has noted in particular the sense of those statements -- that nothing in the draft resolution can affect any of the rights or duties of states embodied in the provisions of the Stockholm Declaration, in particular Principle 21: "States have, in accordance



with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other states or of areas beyond the limits of national jurisdiction." On Principle 22: "States shall co-operate to develop further the international law regarding liability and compensation for the victims of pollution and other environmental damage caused by activities within the jurisdiction or control of such states to areas beyond their jurisdiction."

As I have mentioned, Mr. Chairman, it was not possible at Stockholm, largely because of a lack of time, to obtain agreement on the text of Principle 20 as contained in the basic text (A/Conf./48/4) of the Declaration on the Human Environment and amendments submitted during the Conference. The working group on the Declaration proposed, therefore, and the Conference agreed, that this particular principle should be referred to the United Nations General Assembly for consideration. It is solely for that specific reason that we have before us now draft Resolution 1227 and it is my Delegation's understanding, therefore, that this resolution is intended to focus exclusively on what is known as Principle 20 and not on any of the other principles agreed to unanimously by the Stockholm Conference. More specifically, Mr. Chairman, we take it as the consensus of this Committee that this draft Resolution cannot in any way affect Principles 21 and 22 of the Stockholm Declaration. On this understanding and providing this is fully reflected in the Rapporteur's Report to the Plenary, my Delegation is prepared to withdraw its proposed amendments contained in Document A/C.2/L.1233 and to join in the adoption by consensus of draft Resolution A/C.2/L.1227.



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Press Release No. 21

Thursday, November 16, 1972

Statement in the Sixth Committee  
on the subject of International  
Terrorism, by the Canadian Re-  
presentative, Mr. David M. Miller.

CHECK AGAINST DELIVERY

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Communiqué de presse n° 21  
Jeudi le 16 novembre 1972

Déclaration devant la Sixième  
Commission sur la question du  
terrorisme international par le  
représentant du Canada, M. David  
M. Miller.

VERIFIER AU MOMENT DU DISCOURS

**CANADIAN DELEGATION  
TO THE UNITED NATIONS**

**DELEGATION DU CANADA  
AUPRES DES NATIONS UNIES**





Mr. Chairman,

The learned members of the International Law Commission have observed in their Report to the General Assembly this year that although the problem of terrorism throughout the world is one of great complexity there can be no question as to the need to reduce the commission of terrorist acts, even if they can never be completely eliminated. In the light of the tragic events of recent months, weeks, and days, the Canadian Delegation cannot but agree. We all live within the dark presence of the unleashed killer, kidnapper, hijacker, bomber and extortionist. Be he frustrated, desperate, fanatic, deranged or simply criminal, his acts of terror have already affected the daily lives of countless innocent persons. The problem we face is worldwide and acts of terrorism are now so frequent, that our task of formulating legal rules is particularly urgent if we are to restore to innocent persons the degree of personal safety so simply yet eloquently affirmed in the Declaration of Human Rights.

Alarmed at the increasing incidents of violence directed at national leaders, diplomatic envoys, international passengers and other innocent persons and the growing fear that this violence is causing within our global village, the Secretary General has requested us to discuss urgently the international aspects of terrorism in a frank, full and responsible manner. Canada strongly supports this initiative. As you know Mr. Chairman, my Delegation was actively involved in our Committee's procedural preparations for this important debate, including asking the Secretariat to prepare a thorough study of international terrorism and its origins.

I sincerely trust, Mr. Chairman, that all of us agree the Secretariat deserves our high praise for its paper (A/C6/418) to which we should now give our most serious attention. Considering the extremely short time available for its production, the paper is a scholarly, objective and comprehensive presentation. And my Delegation, fully conscious of the complexities involved, is sincerely grateful to the authors for their diligence and professionalism.

The Secretariat has, as directed, focused upon terrorist acts having international aspects or implications. Thus the paper traces the past efforts of the world community to deal with international terrorism. A recurring theme throughout these efforts has been the concept of terrorism as a conspicuous act, both of violence and communication, intended to spread terror among a given population or group and designed to attract public attention and to coerce the authorities into a particular and often limited course of action. Acts of international terrorism can be committed for criminal motives such as extortion. However, it should be acknowledged that the acts of international terrorism which are the most intractable are those which are politically motivated and rooted in acute situations of misery, frustration, grievance and despair. The Secretariat's study rightly refers to the slowness of advance towards the elimination of these root causes.

While it would be useful to study the causes of international terrorism and while it is essential to do everything possible to eliminate those causes, it is not necessary to await the results of any such study before acting



cooperatively to take effective measures against international terrorism. Moreover the search for solutions to many of these underlying causes is already being conducted actively elsewhere within the United Nations and its specialized agencies.

It is only necessary to recall what has long been a universally agreed legal principle, that the intent to commit the act and not the reasons that led to its commission is the governing factor. As the Secretariat's paper states the legitimacy of a cause does not itself legitimize the use of certain forms of violence, especially against the innocent. And it is the protection of the innocent that we must keep firmly in mind at all times during this debate; the protection of those individuals who are in no way connected with the issue of concern to the terrorist.

Moreover in the opinion of the Canadian Delegation and with respect to you Mr. Chairman, a formally agreed definition of international terrorism in the abstract is not a necessary prerequisite to effective international action against its various international manifestations.

Surely, all that we have to be clear upon at this point is that our mandate is restricted to those acts of terrorism which have a definite international element. My Delegation considers that, in the case of politically motivated acts, this international element would be present when acts of terrorism are carried out in states which are not parties to a dispute, or are directed against the innocent citizens of non-involved states within the area of a conflict. We must deal with specific acts of international terrorism which we all agree are to be outlawed because of the heinous characteristics.

Mr. Chairman, it is clear that there is a number of valuable precedents which should be taken into account in considering new measures for the prevention, suppression and punishment of acts of international terrorism. At the time of the First International Congress of Penal Law in Brussels in 1926 the act intended to be covered was the deliberate use of any means capable of causing common danger. Later at the Third and Fourth International Conferences, common danger had been equated with terrorism where the act was against the life, liberty or physical integrity of persons or against governmental or private property, for the purpose of propounding or putting into practice political or social ideas. By the Sixth International Conference in Copenhagen in 1935, the emphasis had centred on the punishment for certain acts as special offences internationally, apart from whatever legislative provisions existed at the national level, which endangered the community or created a state of terror and were therefore particularly dangerous to mankind and liable to jeopardize good international relations. It is important to note that the Sixth Conference considered such offences to be, for purposes of extradition, common crimes and not political offences.

Since then, this concept has been found reflected in treaties and other instruments related to extradition, for acts against heads of state or governments, for acts pertaining to anarchism and where the criminal element is predominant. In addition, modern treaties of extradition often exclude from the ambit of asylum, acts of hijacking and aerial sabotage and acts against diplomats and other internationally protected persons.





These then are the acts which have been condemned by the international community. What corresponding responsibilities have arisen for states?

The 1937 Geneva Convention on the Prevention of Terrorism reaffirmed as a principle of international law that it is the duty of every state to refrain from any act designed to encourage terrorist activities directed against other states and to prevent acts in which such activities take 'shape'. It defined as acts of terrorism, criminal acts directed against a state and intended or calculated to create a state of terror in the minds of particular persons or groups of persons or the general public, and then listed specific acts of terrorism.

This convention was signed by only 23 states and has never come into force. This was due in part because of the onslaught so soon afterwards of the Second World War, and in part because it had tied to it a companion instrument for the creation of an international criminal court, which taken together with the comprehensive scope of the convention obviously represented a package too ambitious for the international community to accept, then or perhaps now. Nevertheless, it seems significant, Mr. Chairman, that when the Council of the League of Nations declared on the occasion of the murder of King Alexander I and Monsieur Louis Barthou at Marseilles in 1934, that it is the duty of every state neither to encourage nor tolerate on its territory any terrorist activity with a political purpose, the Council coupled this with the obligation of Members of the League of Nations to respect the territorial integrity and the existing political independence of other Members.

This theme was echoed in Article 2 of the 1954 Draft Code of Offences Against the Peace and Security of Mankind adopted by the ILC at its sixth session, where the undertaking or encouragement by the authorities of a state of terrorist activities in another state or the toleration by these authorities of organized activities calculated to carry out terrorist acts in another state, were deemed to be offences against the peace and security of mankind, or crimes erga omnes.

Several distinguished delegates present today will personally recall how very similar provisions were embodied in the 1970 Declaration of Principles of International Law Concerning Friendly Relations and Cooperation Among States, particularly in the formulations of the principle against the threat or use of force and the principle of non-intervention. Similar provisions appear also in the subsequent Declaration on the Strengthening of International Security, and in the OAS Convention to Prevent and Punish Acts of Terrorism.

This historical background clearly demonstrates that the international community has been actively concerned about specific acts of international terrorism regardless of the motives and that a substantial body of international law has been developed concerning the related responsibility of states.

In the view of the Canadian Government, no oppression can be so severe as to excuse the cold-blooded murder of innocent persons. The common



human goals of freedom, justice and self-fulfillment are not advanced by terror. History provides few cases where terrorism by itself has been successful in achieving a major political aim.

How then should we proceed, Mr. Chairman? Acts of international terrorism must be dealt with by the international community acting in concert. Obviously we should not minimize the difficulties nor perhaps expect immediate positive results, but equally we cannot ignore the problem because of its inherent complexities. As my Foreign Minister said to the General Assembly on September 28 "... there must be no truce with terror ... the act we condone today may be the one we regret tomorrow when it is turned against us."

And what should be accomplished by the General Assembly at this session?

First, we must strongly condemn all acts of international terrorism, direct or indirect, involving innocent persons.

Second, we should recall and be guided by the past efforts of the international community to deal with terrorism and the progressive development of relevant principles of international law.

Third, we should seek to strengthen the worldwide network for the collection and dissemination of information, through INTERPOL and by other means, multilateral or bilateral about terrorists, individuals and groups, as part of a concerted and coordinated plan of preventative action to stop terrorist acts from occurring.

Fourth, we should reaffirm and where necessary strengthen existing international instruments which govern crimes found shocking to the conscience of mankind; piracy, slavery, trafficking in narcotics and more recently aerial hijacking and sabotage and acts against internationally protected persons, all of which instruments are directed against the crime, regardless of motive or cause. We should encourage all states to become parties to these conventions, which prescribed special treatment for these abhorrent acts. And we should actively support, in this regard, the current efforts of the International Civil Aviation Organization to elaborate a convention providing both for the prompt and impartial investigation of acts endangering the safety of civil aviation and for cooperative international action to eliminate the danger. Over 60 incidents of hijacking have occurred around the globe since the beginning of this year alone. The average rate of these incidents is now about one every  $4\frac{1}{2}$  days. It is therefore no wonder that those states concerned with the safety of civil aviation and with the safety of the millions of passengers who travel by air each year are proposing in ICAO a





treaty that would enforce the principles reflected in the Tokyo, Hague and Montreal Conventions. The General Assembly's consideration of a convention for the protection of diplomats and now perhaps of innocent persons against acts of international terrorism, such as the recent epidemic of letter bombs, is at a stage analogous to ICAO before the elaboration of the Hague Convention on Hijacking. Mr. Chairman, we can foresee therefore, the development of our present handling of international terrorism in a fashion very similar to that taking place in the field of international civil aviation.

Fifth and finally, we must act quickly to develop such additional legal instruments as we deem to be desirable to deal with the international elements involved in acts of terrorism. In our deliberations we should concentrate on the need to protect the innocent and to create instruments which will be victim oriented and will deal effectively with the problem. We must be clear also about what is being done in different fora about the different aspects of international terrorism and then concentrate on what remains to be done.

Accordingly, Mr. Chairman, Canada is of the opinion that it is necessary to augment existing conventional international law through a new instrument on terrorism having the broadest possible coverage and application in cases of violent attack having international characteristics or effects and directed against innocent persons wherever they may be and regardless of the motives or objectives involved. - a convention which will employ the principle of universality as the basis for the assertion of jurisdiction in respect of such acts, and a convention which will provide for the punishment of these crimes by severe penalties which take account of the aggravated nature of the offences, and will call for the extradition or prosecution by the competent authorities of the state in which the perpetrators of the terrorist act are found - in short a new instrument patterned on the Hague and Montreal Conventions and on the ILC Draft Articles on the Protection of Diplomats under International Law.

For these reasons Canada finds that the draft convention tabled by the United States Delegation (A/C.6/L.850) attractive as a basis for further elaboration since it closely follows the pattern of existing conventions on air security. This draft seems designed to prevent the spread or export of certain terrorist acts to countries and individuals not involved in the related internal or international conflict. Instead of seeking to define international terrorism exhaustively it deals with the most serious criminal acts of murder, serious bodily harm and kidnapping intended to damage or force concessions from a state or an international organization where the terrorist act is committed outside the state of nationality of the alleged offender. My Delegation is particularly pleased to note that the draft does not supersede the specific international conventions, to which I have already referred, nor does the draft attempt to cut across the present development and application of humanitarian law in international and non-international armed conflict. The draft would appear therefore



to offer us an effective approach against the most dangerous threats by terrorists to international order and fundamental human rights. It is in this light that this draft convention is being carefully studied by Canadian authorities in order to determine if it could not be made broader in scope and still remain realistically attainable and whether stronger references could be usefully included on the existing responsibilities of states as declared by the United Nations.

Mr. Chairman, international law is already being rapidly developed to further protect innocent civilians and the civilian population as a whole from terrorist acts in situations of armed conflict. What we need urgently is similar protection against acts of international terrorism for innocent persons outside the ambit of such conflicts. We must not procrastinate lest we encourage terrorists and indirectly permit further loss of innocent lives. Nor need we act with such undue haste as to preclude affording the opportunity to member states and intergovernmental organizations to submit their views. We should, however, bear in mind the considerable background and examples available to us and not pretend the problem is new and requires exhaustive examination. Rather we should agree to establish a procedure either by way of an intercessional committee or committees to develop effective measures to prevent international terrorism in light of its causes or by requesting that this be done urgently by the International Law Commission, following the pattern of last year's instructions to the Commission concerning the protection of diplomats convention. The Canadian Delegation, Mr. Chairman, is prepared to support any positive proposals along these lines which will serve rapidly to strengthen and expand existing international law against all acts of international terrorism.





CANADA

Communiqué

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Publication

Press Release No. 23  
November 23, 1972

Statement by Dr. Saul F. Rae, Ambassador  
and Permanent Representative of Canada  
to the United Nations and Vice-Chairman  
of the Canadian Delegation, in the Special  
Committee of the 27th Session of the  
United Nations General Assembly.  
Subject: Peacekeeping.

CHECK AGAINST DELIVERY

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Communiqué de presse n° 23  
Le 23 novembre 1972

Notes du discours prononcé par M. Saul  
F. Rae, Ambassadeur et Représentant  
permanent du Canada auprès des Nations  
Unies et Vice-président de la délégation  
canadienne, devant la Commission Politique  
Spéciale de la 27<sup>e</sup> Session de l'Assemblée  
générale des Nations Unies.  
Sujet: Maintien de la paix.

VERIFIER AU MONTANT DU DISCOURS

**CANADIAN DELEGATION  
TO THE UNITED NATIONS**

**DELEGATION DU CANADA  
AUPRES DES NATIONS UNIES**







The Report of the Special Committee on Peacekeeping and the annexed report of the Working Group which are before us in Document A/8888 are unfortunately once again a source of disappointment. They nevertheless have the virtue of being clear and of being honest. They do not attempt to conceal what is in any case common knowledge - that the past year is the third in succession in which no substantive progress has been made on any of the aspects of peacekeeping which the Committee was created to review. There is little to add, either by way of lamentation or of explanation, to what has been said here in previous years about this lack of progress. The reasons are the same: the exceptional difficulty and delicacy of the issues raised, both in principle and practice.

It remains true, however, that the very importance and delicacy of the issues at stake forbid us to ignore them indefinitely. They involve the original and fundamental raison d'être of the United Nations itself: the maintenance of international peace and security through collective action. Whatever form that action may take in future, it will be our continuing duty to exert ourselves as best we can to ensure that essential purpose is not lost.

As the Committee's report makes clear, if there are ample grounds for regret there are no grounds for hopelessness. Not only has the procedural crisis of the composition of the Bureau and Working Group been resolved, but a series of statements of Governments on the substance of the problem have been put before the Committee, most of them in response to Resolution 2835(XXVI). Much of this material is new and represents serious rethinking in many quarters. This more than anything else permits us to be hopeful - without illusions - but soberly hopeful, that the progress interrupted in 1969 can soon be resumed.

I should like to make some comments about the Canadian contribution to this rethinking, which is in Document A/SPC/152. In doing so I do not intend to slight the serious contributions of other governments, all of which are worthy of close study. Nor do I ask this Committee to embark on a discussion of the substance of the Canadian paper. As members will know, it was only fairly recently circulated and has not yet had the benefit of that systematic examination by the Working Group of the Committee of 33 which we hope it will receive, so that being essentially a working paper in the raw state as far as this



organization is concerned, it would seem to us premature for the General Assembly to discuss it in detail.

My purpose in commenting on the Canadian paper is rather to illuminate some aspects of peacekeeping discussions which may seem obscure to some delegations which have never been closely involved or which, because of the lapse of time, have perhaps lost touch with some of the issues at stake. To judge from observations we have heard in the Committee of 33 and elsewhere, there are a number of delegations in that position.

Let me say, therefore, that the principal purpose of the Canadian paper is to provide a conceptual framework within which the central dichotomy in the main approaches to command and control of peacekeeping operations might be overcome. In broad terms those approaches appear to be fundamentally opposed, even contradictory. They differ in their points of departure and their objectives. We consider, however, that they can to a large degree be accommodated in a coherent system, without claiming that their opposing elements can be, or need be, reconciled. In fact, there seems a positive merit in preserving a sort of dynamic tension within the system.

Let me explain. One set of views has held traditionally that full control over peacekeeping operations of the United Nations should be - indeed is - vested in the Security Council, with respect both to policy decisions and to day-to-day operational activities. The political rationale for this approach, apart from constitutional convictions, is that this is the only realistic way of proceeding where the interests of the major powers are involved.

The opposing view has been traditionally that, although overall authority in this area may belong to the Security Council (the powers of the General Assembly being left aside for the moment), day-to-day operational authority should be vested in the Secretary-General. The political rationale for this view, apart from convictions about efficiency in decision-making and execution, is that this is the most practical way to ensure that agreed U.N. peacekeeping operations can be satisfactorily and expeditiously implemented.



After considerable practical experience in peace-keeping in many areas of the world, and participation in discussions about peacekeeping which revolved around these two contradictory propositions, the Canadian authorities were forced to the conclusion that both had substantial elements of truth in them, and that it should be possible to accommodate these in a framework which would still permit a workable operation to take place. Ours was not a dialectical solution, as I have indicated. Rather we sought to find a basis of shared responsibility. Because it has long been clear that it was on the question of command and control that the whole matter hinged, we directed our efforts primarily to that question, with the result which delegations have now seen.

Members of the Committee will have noted that I described the approach embodied in the Canadian paper as a "conceptual framework". It does not represent a final or concrete position of the Canadian Government. On the contrary, our long and close association with this subject has convinced us that it is not amenable to successful treatment if specific mechanisms are identified with positions of principle.

This is not to say that we believe positions of principle can be treated lightly. We believe, however, that they can be protected without rigid adherence to one or another schematic approach. In other words, we have sought to work out an alternative mechanism which differs from others discussed in the past in that it seeks to take due account of all the diverse positions of principle on the question of peacekeeping which have been so tenaciously defended over the past eight years.

We have, as I have indicated, tried to find an alternative approach, using the institutional machinery already to hand. Likewise, we have confined our suggestions to those operations identified as "Model 1" and "Model 2", that is to say, those authorized by the Security Council, involving either military observers or contingents. We have not, therefore, tried to devise a system for overcoming or





circumventing disagreement in the Security Council. The conceptual framework we have put forward is applicable only in those situations where the Security Council is and remains in agreement throughout the duration of a given operation.

The approach we have adopted is an examination of the possibilities of using the Military Staff Committee, suitably adapted for current needs, and supplied with the necessary infrastructure. In paragraph 175 of the introduction to his annual report on the work of the Organization in September 1971, the Secretary-General wrote: "During the quarter century of the existence of the U.N., the provisions of the Charter concerning the role and functions of the Military Staff Committee have remained unimplemented. In the light of the changed circumstances since the Committee was last actively examined, perhaps the time has come to study once again the manner in which it might function in cooperation with the Security Council and the Secretary-General with respect to peacekeeping operations. Certainly nothing will be lost and something may be gained by exploring more fully the possibilities in this regard, and I would accordingly venture to hope that the members of the Organization and the competent bodies might consider undertaking such an examination."

We chose to act on this suggestion, rather than to explore the possibility of creating some new organ, for example under Article 29 of the Charter, for two main reasons: first, because in principle we are reluctant to encourage the proliferation of U.N. organs, and favour rather the principle of economy of means; and second, because the Military Staff Committee is fairly fully, yet not exhaustively, defined in the Charter. In our judgment, when we are dealing with a subject as sensitive as peacekeeping, the more firmly we can anchor our work in the Charter the less member states have to fear for their vital interests and the more readily they should be able to consider variations and innovations should they be necessary.

The essence of our proposal, therefore, is that the Security Council, while retaining its overall direction and control of an operation, should use the Military Staff Committee as its executive agent. The Military Staff Committee in turn





would be supported by an International Headquarters Staff set up by the Secretary-General and reporting through him. Under normal operational conditions the International Headquarters Staff would be the channel of communications between U.N. Headquarters and the Commander in the field.

It will certainly have occurred to some, on reading our paper, that the machinery we have outlined would be cumbersome. We are prepared to discuss this point at greater length in the Working Group. Perhaps I may note now, however, that we have deemed a certain loss of mechanical efficiency a justifiable price to pay for political acceptability. This is a lesson which I suspect many delegations will recognize.

At this stage, I shall simply say that we claim no more for the Canadian paper than that it is one more working document to be set beside those already put forward by other delegations for consideration by the Committee of 33. It is negotiable, and my delegation is ready to negotiate on it as well as on all other proposals now before the Committee of 33 or, perhaps, yet to emerge. I express only the hope that it will stimulate that concrete and constructive discussion that has been wanting for so long, and may perhaps provide the impulse for further creative thinking - and indeed rethinking - among member states.

It is, I believe, a guarantee of resumed vitality and perhaps even of success, that the Committee of 33 has chosen as its Chairman the distinguished Permanent Representative of Nigeria. We are fortunate in having been able to enlist the services of a diplomat whose skill and wisdom are now so much in demand in many areas of United Nations activity. I think I may also fairly say that it is a further guarantee of vitality that the Bureau and Working Group of the Committee of 33 have been joined by a number of delegations which have long shown an active interest in peacekeeping. We have already seen an example of this in the contribution of the Delegation of Brazil, whose vigour and determination to see action on the subject have clearly been in no way diminished by the assumption of office.

As indicated in the report, the Working Group has already made preliminary dispositions which should enable it



to take up its task profitably as soon as the General Assembly session is over. By this time next year, if its mandate is renewed, we may reasonably expect that the report of the Committee of 33 will be a very different kind of document from that now before us.



Le rapport du Comité spécial des opérations de maintien de la paix ainsi que le rapport du Groupe de travail publié en annexe figurent dans le Document A/3888 et constituent malheureusement, encore une fois, une source de déception. Ils ont néanmoins le mérite d'être clairs et honnêtes. Ils ne cherchent pas à cacher ce qui, de toute façon, est déjà bien connu à savoir que l'année écoulée est la troisième année de suite au cours de laquelle aucun progrès appréciable n'a été réalisé sur les questions du maintien de la paix pour lesquelles le Comité a été créé. Il y a peu de choses à ajouter aux commentaires qui ont déjà été faits pour déplorer ou expliquer cet absence de progrès. Les raisons n'ont pas changé: les questions soulevées sont exceptionnellement difficiles et délicates en principe comme en pratique.

Il demeure, cependant, que l'importance même des questions et leur caractère délicat nous interdisent de les ignorer indéfiniment. Elles mettent en cause la première raison d'être des Nations Unies, c'est-à-dire le maintien de la paix et de la sécurité internationales par une action collective. Quelle que soit la forme éventuelle de cette action, il sera toujours de notre devoir de nous assurer que l'objectif fondamental n'est pas perdu de vue.

Comme l'indique clairement le rapport du Comité, s'il est de nombreuses raisons d'avoir des regrets, il n'y a pas lieu de désespérer. Non seulement les difficultés procédurales soulevées par la composition du Bureau et du Groupe de travail ont-elles été résolues, mais une série de déclarations gouvernementales sur le fond du problème a été présentée au Comité, la plupart d'entre elles en réponse à la Résolution 2835 (XXVI). Une grande partie de ces déclarations sont nouvelles et constituent souvent des révisions majeures. Ceci, plus que toute autre chose, nous permet d'espérer -- mais sans illusions -- que les progrès interrompus en 1969 pourront reprendre bientôt.

J'aimerais faire quelques commentaires sur la contribution du Canada à cette révision qui figure au Document A/SPC/152. Je n'ai pas l'intention en ce faisant de méconnaître les contributions des autres gouvernements qui valent toutes la peine d'être étudiées sérieusement. Je ne demande pas non plus à cette Commission d'entamer une discussion de





fond sur le document canadien. Comme les membres le savent, ce n'est que récemment que le document a commencé à circuler et il n'a pas encore fait l'objet, comme nous l'espérons, d'une étude systématique par le Groupe de travail du Comité des 33. Comme il s'agit essentiellement d'un projet de document de travail, il nous semblerait prématuré que l'Assemblée générale l'étudie en détail.

Mon intention, en commentant le document canadien, est d'apporter des éclaircissements sur certains aspects des discussions sur les opérations de maintien de la paix pour le bénéfice de certaines délégations qui n'ont jamais été directement impliquées ou qui, avec le temps, ont perdu le fil des discussions en cours. Si l'on en juge par les réflexions que nous avons entendues au Comité des 33 et ailleurs, plusieurs délégations sont dans cette position.

Permettez-moi alors de dire que l'objectif principal du document canadien est de fournir un cadre théorique permettant de résoudre la dichotomie fondamentale dans les principales approches au commandement et au contrôle des opérations de maintien de la paix. D'une façon générale, ces approches semblent être diamétralement opposées, voire même contradictoires. Elles diffèrent tant par leur point de départ que par leurs objectifs. Nous estimons toutefois qu'il est possible de les intégrer dans un système cohérent, sans prétendre pour autant que les éléments opposés peuvent ou doivent être conciliés. En fait, il semble même souhaitable de maintenir une sorte de tension dynamique au sein du système.

Qu'il me soit permis de m'expliquer. D'aucuns ont toujours prétendu que le contrôle absolu des opérations de maintien de la paix des Nations Unies devrait être -- en fait il l'est -- confié au Conseil de sécurité tant pour les décisions politiques que pour les opérations courantes. Le motif politique de cette approche, indépendamment des arguments constitutionnels, est que c'est là la seule façon réaliste de procéder lorsque les intérêts des grandes puissances sont impliqués.



D'autres ont soutenu que même si l'autorité suprême dans ce domaine peut être confiée au Conseil de sécurité (en laissant de côté pour le moment les pouvoirs de l'Assemblée générale), l'autorité sur les opérations courantes devrait revenir au Secrétaire général. Le motif politique de cette approche, indépendamment des arguments relatifs à l'efficacité au niveau de la décision et de l'exécution, est que c'est là la façon la plus pratique de s'assurer que les opérations de maintien de la paix décidées par l'ONU soient conduites de manière satisfaisante et expéditive.

Forte d'une longue expérience pratique dans les opérations de maintien de la paix dans plusieurs parties du monde, et après avoir participé à des discussions qui gravitaient toujours autour de ces deux théories contradictoires, les autorités canadiennes ont été amenées à conclure qu'elles comportent toutes deux des éléments de vérité et qu'il devrait être possible de les intégrer dans un cadre qui permettrait la poursuite efficace des opérations. Comme je l'ai déjà dit, notre solution n'est pas une solution dialectique. Au contraire, nous avons recherché un partage des responsabilités. Comme il est clair depuis longtemps que tout le problème repose sur la question du commandement et du contrôle, nous avons concentré nos efforts sur cette question, avec les résultats que les délégations ont pu constater.

Les membres de la Commission auront noté que j'ai qualifié l'approche proposée dans notre document de "cadre théorique". Il ne s'agit pas d'une position définitive ou concrète de la part du gouvernement canadien. Au contraire, notre grande expérience de ce sujet nous a convaincus qu'il est impossible de le traiter avec succès si l'on identifie des mécanismes précis avec des positions de principe.

Cela ne signifie pas que nous croyons que les positions de principe peuvent être traitées à la légère. Nous croyons toutefois qu'il est possible de les préserver sans souscrire strictement à l'une ou l'autre des approches schématiques. Autrement dit, nous nous sommes efforcés de définir des mécanismes différents de ceux dont on a discuté dans le passé, en ce sens qu'ils cherchent à tenir compte de



toutes les positions de principe sur la question du maintien de la paix qui ont été défendues avec une si grande ténacité au cours des huit dernières années.

Nous avons, comme je l'ai mentionné, recherché une nouvelle alternative en utilisant les structures institutionnelles déjà en place. De même, nous nous sommes limités aux opérations connues sous le nom de "Modèle 1" et "Modèle 2", c'est-à-dire les opérations autorisées par le Conseil de sécurité et qui impliquent soit des observateurs, soit des contingents militaires. Nous n'avons donc pas cherché à ériger un système pour régler un désaccord au Conseil de sécurité. Le cadre théorique que nous avons proposé ne vaut que dans les situations où l'harmonie règne au Conseil et y règne pour toute la durée de l'opération.

L'approche que nous avons adoptée est une étude des possibilités de recourir au Comité d'état-major, répondant aux besoins actuels et disposant de l'infrastructure nécessaire. Au paragraphe 175 de l'introduction de son rapport annuel sur l'activité de l'organisation présenté en septembre 1971, le Secrétaire général déclarait ce qui suit: "Depuis un quart de siècle que l'ONU existe, les dispositions de la Charte relatives au rôle et aux fonctions du Comité d'état-major sont restées lettre morte. Puisque les circonstances ont changé depuis que le Comité a pour la dernière fois fait l'objet d'un examen attentif, peut-être le moment est-il venu d'étudier une fois de plus comment, en ce qui concerne les opérations du maintien de la paix, il pourrait fonctionner en coopération avec le Conseil de sécurité et avec le Secrétaire général. Il n'y a certes rien à perdre et peut-être quelque chose à gagner à explorer plus complètement les possibilités dans ce domaine, et j'ose espérer que les membres de l'Organisation et les organes compétents envisageront d'entreprendre une telle étude."

Nous avons décidé de suivre cette suggestion au lieu de considérer la possibilité de créer un nouvel organisme, par exemple en vertu de l'article 29 de la Charte, et ce, pour deux raisons principales: tout d'abord parce





qu'en principe nous ne voulons pas encourager la prolifération des organismes des Nations Unies, et que nous sommes partisans du principe de l'économie des moyens; deuxièmement, parce que le Comité d'état-major est assez bien défini dans la Charte, même s'il ne l'est pas de façon exhaustive. Selon nous, lorsqu'on traite d'un sujet aussi délicat que celui du maintien de la paix, plus on s'en remet à la Charte, moins les Etats membres ont à craindre pour leurs intérêts vitaux et plus volontiers ils devraient pouvoir envisager les changements et les innovations qui s'avèrent nécessaires.

L'essentiel de notre proposition est donc que le Conseil de sécurité, tout en conservant la direction et le contrôle suprêmes d'une opération, devrait utiliser le Comité d'état-major comme son agent exécutif. Le Comité d'état-major pourrait lui-même utiliser les services d'un Quartier-général international mis sur pied par le Secrétaire général qui en serait le responsable. Dans des conditions normales d'opération, le Quartier-général international serait l'intermédiaire entre les Quartiers-généraux de l'ONU et le Commandant des opérations sur le terrain.

Certains auront sans doute pensé, en lisant notre document, que le mécanisme que nous avons défini manquerait de souplesse. Nous sommes prêts à discuter de cette question plus en détail avec le Groupe de travail. Toutefois, je peux peut-être dire tout de suite que selon nous, une certaine perte d'efficacité est le prix à payer pour garantir un plus haut degré d'acceptabilité au niveau politique. C'est une leçon qui, j'ai l'impression, sera retenue par plusieurs délégations.

Pour le moment, je dirai simplement que nous considérons notre document comme un document parmi tant d'autres soumis à la considération du Comité des 33. Il est négociable et ma délégation est prête à en discuter, tout comme elle est prête à discuter de toutes les autres propositions dont le Comité des 33 est déjà saisi ou dont il sera éventuellement saisi. J'exprime simplement le vœu qu'il stimulera cette discussion pratique et constructive que nous attendons depuis si longtemps et qu'il incitera les





Etats membres à faire preuve d'imagination dans leur façon de penser et de repenser le problème.

Je crois que le fait que le Comité des 33 ait choisi le distingué représentant permanent du Nigéria comme président constitue une garantie de vitalité renouvelée et peut-être même de succès. Nous avons eu la chance de retenir les services d'un diplomate dont les talents et la sagesse sont en grande demande dans plusieurs secteurs d'activités des Nations Unies. Je crois aussi pouvoir dire que c'est une autre garantie de vitalité de voir qu'un certain nombre de délégations, qui manifestent depuis longtemps un intérêt actif pour le maintien de la paix, se sont jointes au Bureau et au Groupe de travail du Comité des 33. Nous avons déjà l'exemple de la contribution de la délégation du Brésil dont le dynamisme et la détermination n'ont nullement diminué depuis qu'elle remplit de nouvelles fonctions.

Comme le rapport en fait mention, le Groupe de travail a déjà pris des dispositions qui devraient lui permettre d'entreprendre sa tâche efficacement dès la fin de la session de l'Assemblée générale. A cette date l'an prochain, on peut s'attendre à ce que le Comité des 33, si son mandat est renouvelé, ait déposé un rapport très différent de celui que nous avons actuellement devant nous.



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Press Release No. 25  
Monday, November 27, 1972

Statement made in the Ad Hoc Committee of the General Assembly for the announcement of voluntary contributions to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) by Dr. Saul F. Rae, Ambassador and Permanent Representative of Canada to the United Nations and Vice-Chairman to the Canadian Delegation.

CHECK AGAINST DELIVERY

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Communiqué de presse n° 25  
Le lundi 27 novembre 1972

Déclaration prononcée devant la Commission spéciale de l'Assemblée générale pour l'annonce de contributions volontaires à l'Office de secours et de travaux des Nations Unies pour les réfugiés de Palestine dans le Proche Orient (UNRWA) par M. Saul F. Rae, Ambassadeur et Représentant permanent du Canada auprès des Nations Unies et Vice-président de la délégation canadienne.

VÉRIFIER AU MOMENT DU DISCOURS

**CANADIAN DELEGATION  
TO THE UNITED NATIONS**

**DELEGATION DU CANADA  
AUPRES DES NATIONS UNIES**

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CANADA



Mr. Chairman,

The Government and people of Canada have the highest regard for the perseverance and dedication with which the United Nations Relief and Works Agency for Palestine Refugees has pursued its demanding task. Canada has provided support, through contributions in cash and in kind, ever since the agency began operations in 1950. At the Pledging Conference last November a Canadian contribution totalling \$1,550,000 was pledged. This amount represented an increase over 1971 of \$200,000 in the food aid portion of our contribution. Today, the Canadian Delegation is pleased to announce that, subject to parliamentary approval, Canada's contribution to the United Nations Relief and Works Agency budget for 1973 will be \$1,600,000. This will consist of 700,000 Canadian dollars in cash and 900,000 Canadian dollars in food commodities. The increase of \$50,000 over last year's pledge is being made in the cash portion of the contribution and reflects the Canadian Government's continuing concern that the invaluable efforts of the Agency to relieve the plight of the Palestine refugees should be sustained in the face of increasing costs.

Monsieur le Président,

Le gouvernement et le peuple du Canada font grand état de la persévérance et du dévouement avec lesquels l'Office de secours et de travaux des Nations Unies pour les réfugiés s'acquitte de sa tâche difficile. Le Canada soutient l'Office par des contributions en argent et en nature, depuis le tout début de ses activités, en 1950. A la Conférence pour les annonces de contributions en novembre dernier, le Canada a annoncé une contribution totale de \$1,550,000. Ce montant constitue une augmentation de \$200,000 par rapport à 1971 dans la partie de notre contribution réservée à l'aide alimentaire. Aujourd'hui, la délégation du Canada a l'honneur d'annoncer que, sous réserve de l'approbation du Parlement, la contribution du budget de 1973 s'élèvera à \$1,600,000, soit 700,000 dollars canadiens en argent et 900,000 dollars canadiens en denrées alimentaires. L'augmentation de \$50,000 sur l'annonce de l'an dernier porte sur la partie en argent de la contribution et montre combien le gouvernement canadien tient encore à ce que, malgré l'augmentation des coûts, l'oeuvre inestimable que réalise l'Office pour soulager la souffrance des réfugiés palestiniens se poursuive.





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Press release No. 26  
Tuesday, November 28, 1972.

Intervention by the Canadian delegate  
to the Third Committee, Senator Renaude  
Lapointe at the pledging conference of the  
UNHCR.

CHECK AGAINST DELIVERY

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Communiqué de presse no. 26  
Le mardi 28 novembre 1972

Déclaration de la représentante du  
Canada à la Troisième Commission,  
Madame le Sénateur Renaude Lapointe,  
à la conférence d'appel de contributions  
du programme du Haut-Commissaire des  
Nations Unies pour les Réfugiés.

VERIFIER AU MOMENT DU DISCOURS

**CANADIAN DELEGATION  
TO THE UNITED NATIONS**

**DELEGATION DU CANADA  
AUPRES DES NATIONS UNIES**



Mr. Chairman,

A few days ago the Third Committee of the General Assembly recommended an extension of the mandate of the U.N. High Commissioner for Refugees for an additional five years. As many delegations then stated, it is regrettable that the magnitude of the question made this extension imperative but at the same time one cannot help but appreciate the huge task being performed by the High Commissioner.

Being acutely conscious of his mandate and his responsibilities, he has proved able to fulfill the essential task entrusted to him, that of seeking permanent solutions to the distressing problems of the refugees.

Mr. High Commissioner, you have earned the respect, gratitude and admiration of all nations of the world and the sums of money that have been entrusted to you for more than twenty years could not have been better used to ensure refugees the world over efficient legal protection and at the same time material assistance when needed.

To show its great appreciation of the activities of the UNHCR the Government of Canada, subject to Parliamentary approval, has decided to increase by 50,000 dollars (Canadian) its contribution to the Program of the High Commissioner for Refugees thus bringing its total contribution for 1973 to a sum of 450,000 dollars (Canadian).





CANADA

Communiqué

CA1  
EA 75  
-C 55

Press Release No. 27  
Thursday, November 30, 1972

Government  
Publications

Statement in the First Committee  
on the subject of The Law of the  
Sea, by the Canadian Alternate  
Representative, Mr. J.A. Beesley.

CHECK AGAINST DELIVERY

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Communiqué de presse n<sup>o</sup> 27  
Jeudi le 30 novembre 1972

Déclaration devant la Première  
Commission sur la question du  
Droit de la mer, par le repré-  
sentant suppléant du Canada, M.  
J.A. Beesley.

VERIFIER AU MOMENT DU DISCOURS

**CANADIAN DELEGATION  
TO THE UNITED NATIONS**

**DELEGATION DU CANADA  
AUPRES DES NATIONS UNIES**





Mr. Chairman,

As we meet here for the fifth successive year to take stock on the results of our collective efforts to develop the Law of the Sea along new and progressive lines, one can detect a feeling of regret and disappointment that we have not accomplished more, coupled with a mood of caution and optimism concerning our future work. The time has come for us to decide whether, when and where to commence the Third Law of the Sea Conference. Resolution 2750-C of the 25th General Assembly requires of us that we make this decision at this time. It is therefore important that we be quite clear as to the nature and extent of the work requiring completion before the Law of the Sea Conference can commence with any reasonable assurance of a successful outcome.

As we pointed out in the concluding days of the last session of the Seabed Committee in Geneva last August, it is obvious that the preparatory work of the Seabed Committee has not been completed and that much remains still to be done. We do not, however, share the view expressed by some that it is premature to attempt to decide at this session of the General Assembly on the Third Law of the Sea Conference. As we made clear in Geneva, we share the widely held view that the preparatory work of the Seabed Committee has progressed to the point where one can foresee with some confidence sufficient further concrete progress from two more sessions of the Seabed Committee to enable us to commence the Conference.

A number of delegations have referred to the importance of the agreement we have reached on the "list of issues". My own delegation attaches considerable significance to this achievement, since we recognize that the negotiations on that question triggered the process of substantive negotiations on the underlying issues. It is true that no single item on the list will attract the same degree of support from all delegations, but it is equally true that no delegation can any longer have justifiable fears that any issue of importance to it will not be considered at the Law of the Sea Conference. We have, therefore, gone from a decision in principle two years ago in favour of a comprehensive approach to the future Law of the Sea to the specific application of that principle to a range of separate but closely interrelated issues. During the negotiating process we have all become much more keenly aware not only of the nature and extent of the problems facing us but of the respective national interests of various states as they see them with respect to each of these issues, and, I would suggest, the general interest of the international community as a whole in the resolution of these problems. Side by side with these negotiations, there have been ongoing negotiations on the broad outlines of solutions to a number of specific problems, which I shall refer to a little later. It is thus a truism that the Law of the Sea Conference has, in a sense, already begun.





It is important to note also, as a number of delegations have reminded us, that we have embarked upon a major restructuring of the Law of the Sea, not a mere codification exercise as was in large part the case in 1958. As a consequence, our task is more complex - the situation more fluid - and it is less easy to determine the precise extent of the progress on any single issue. A further complicating factor is that much of the substantive negotiations go on outside the Seabed Committee. I refer, for example, to the results of the Stockholm Environmental Conference, the Afro-Asian Consultative Committee meeting of last year, the Santo Domingo Conference of Caribbean States, the African States' Regional Seminar in Yaounde, the recently concluded London Conference on Ocean Dumping, and the preparatory meetings for the IMCO Pollution Conference, as well as to the many proposals on specific issues advanced in many different fora, be they governmental or private.

Taking all these developments into account it is clear that, while we do not have existing draft articles on all of the issues before us, nor even generally agreed draft articles on any single problem area, we do have clear evidence of developing trends on particular issues which provide us with what a number of delegations have termed a "blueprint" for the future structure of the Law of the Sea.

What are these trends?

In the view of the Canadian Delegation, the general willingness of states to reconsider their rights and obligations as they are affected by both new and traditional uses of the seas is the major development in the field of international law over recent years. Only developments in the law of outer space and of the environment can come close to ranking in importance with this trend. The Law of the Sea has for centuries reflected the common interest in freedom of navigation. Only in the past two decades has it begun to reflect the common interest in the resources of the seabed. Only in the last decade has it begun to reflect the common interest in conserving the living resources of the sea. Only in the past few years has it begun to reflect the common interest in the preservation of the marine environment itself. Only in the past few years have we even begun to think of an international regime for the area of the seabed beyond national jurisdiction. The law is, however, beginning to change. It has already been altered by state practice and it will be transformed further by any successful Law of the Sea Conference. No more



radical nor more constructive concept can be found in international law than the principle of the "common heritage of mankind". Only in the field of outer space law can we find an analogous example of a common commitment to the negation of sovereignty in the common interest. Only in the field of environmental law on such issues as the duty not to create environmental damage and the responsibility for such damage can we find examples of concepts having at once such serious and yet encouraging implications for the development of a world order based on the rule of law.

One of the most encouraging trends in the process of progressive development of international law is the increasing evidence that for the first time in 300 years large numbers of flag states on the one hand, and coastal states on the other, are prepared to accept limitations upon their pre-existing rights - and the acceptance of corresponding duties - coupled with the recognition of a need to work out accommodations between their respective interests and those of the international community as a whole. While there are those who lament the death of the traditional unrestricted freedoms of the high seas, there are more who rejoice that the traditional concept of freedom of the high seas can no longer be interpreted as a freedom to overfish, a license to pollute, a legal pretext for unilateral appropriation of seabed resources beyond national jurisdiction. No one has suggested an end to freedom of navigation on the high seas. No one has suggested an end to an innocent passage through international straits. No one has suggested an end to flag state jurisdiction. But no one can any longer seriously argue that these traditional rights can remain unrestricted by law and divorced from corresponding duties.

The Canadian Delegation has suggested the concepts of "custodianship" by coastal states and of "delegation of powers" by maritime states as the possible basis of the new regime for the Law of the Sea. Whether or not these terms find their way into the emerging doctrines of international law, the conceptual approach which they reflect is, in our view, already embodied in such proposals as the "economic zone" and the "patrimonial sea". These proposals illustrate clearly that ocean space will no longer be divided in an arbitrary fashion between two distinct zones, one under national sovereignty, the other belonging to no one. No longer will the Law of the Sea be based solely on conflicting rights. No longer will the high seas be subject only to the roving jurisdiction of flag states. The concept of management of ocean space reflected in the decisions at Stockholm, in the proposals in the Seabed Committee, and the Convention drafted at the London Ocean Dumping





Conference are a clear indication of the direction of the future Law of the Sea.

It is worth noting that the Stockholm Conference was in itself a preparatory conference for the proposed IMCO Pollution Conference, the London Ocean Dumping Conference and the Third Law of the Sea Conference. The London Ocean Dumping Conference and the IMCO Pollution Conference will, in turn, each have further contributed to the preparation for the Law of the Sea Conference. A classic example of the way the law is being developed can be seen in the interrelationship between these various conferences.

- The Stockholm Environmental Conference affirmed the principle, for example, that no state has the right to damage the environment of other states nor the area beyond national jurisdiction. The London Ocean Dumping Conference translated this principle into binding treaty law.
- The London Conference even translated into treaty form the controversial principle on the duty to consult, on which it had proven impossible to reach agreement at the Stockholm Conference, in Article 5 of that Convention which makes clear that states wishing to avail themselves of the right to dump noxious wastes in an emergency situation must consult both with the proposed organization and with states likely to be affected by such action.
- Similarly, the Stockholm principle on the duty of states to develop procedures for the determination of liability and compensation for such damage is translated into binding treaty form in the London Convention.
- The Canadian Delegation hopes and expects that the IMCO Conference, which will be considering both the control of intentional discharge of noxious waste from ships and the rights of coastal states to intervene on the high seas in certain emergency situations, will carry the Stockholm principles another step forward in translating legal principles into binding treaty obligations.
- Thus we see here the phenomenon of a number of separate but interrelated conferences all leading towards the Law of the Sea Conference and at the same time the recurrent theme in all of these conferences of recognition of the need to preserve the marine environment not merely through new rights of states but through the imposition of new duties upon states.

I can think of no more encouraging development for the future Law of the Sea. It is obvious that the Third Law of the Sea Conference can draw upon and build upon these precedents. It is equally obvious that all of these developments must be harmonized in one great global settlement.

In applying these new trends and emerging concepts to other basic issues requiring resolution at the Law of the Sea Conference, it seems evident that the embryo of an overall accommodation lies in agreement upon a very narrow band of coastal seas subject to complete sovereignty and a wider band of specialized jurisdictions, extending as far as necessary to meet particular objectives, which in





principle could have varied limits but in practice might well together comprise a single "economic zone" or "patrimonial sea". The narrow band of sovereignty or territorial sea could be established as extending only to 12 miles, as so many states, including my own, have already accepted. But no one should regard the figure "12", which is, after all, a simple multiple of 3, as sacrosanct, and it may be that an even narrower, generally accepted limit might - if coupled with the "economic zone" concept - facilitate the resolution of this and other related difficulties, such as, for instance, passage through international straits.

To put it simply, Mr. Chairman, we consider that the concept of "economic zone" is the keystone to any overall accommodation on the Law of the Sea. Differences of views may exist concerning the precise nature and extent of jurisdiction to be asserted but it is evident that there can be no solution which is not based on the "economic zone" approach. This presupposes a willingness on the part of major maritime powers to acquiesce in new forms of jurisdiction by coastal states embodying both rights and obligations, elaborated in treaty form, and subject, we would hope, to third-party adjudication concerning the application of these rights and obligations. With respect to coastal states, such an accommodation would presuppose, as a minimum, a willingness to recognize the interests of the international community as a whole, and particularly the major marine states, in freedom of navigation through such zones. Undoubtedly such an economic zone would have to include jurisdiction over the living resources of the sea, which, if not exclusive, would at least include coastal state preferential rights, plus pollution control jurisdiction and sovereign rights over the resources of the seabed of the economic zone. It may be that the continental shelf would extend in some areas beyond the economic zone. In return for acquiescence by other states in these forms of jurisdiction by coastal states, coastal states would accept a narrow territorial sea.

A further developing trend, not so readily perceived as the others just mentioned, perhaps, but nonetheless apparent for those who care to look for it, is the growing recognition of the need to seek accommodations which will reconcile not only conflicting interests but conflicting uses of the sea. The London Conference on Ocean Dumping provides an interesting precedent on this issue as well as others. A number of major maritime powers, who are also major industrialist states and thus major dumpers, joined together with a large number of coastal states and voluntarily agreed to accept self-denying treaty obligations prohibiting their rights to dump certain noxious substances into the oceans of the world and seriously curtailing their rights to dump other such substances. That they did so reflects great credit upon them, but the implications go well beyond the particular example, in



terms of the future development of environmental law and the law of the sea. Of equal importance is the willingness of the major maritime states to join with these coastal states in sharing the enforcement of this Convention. Of no less significance was the willingness on the part of coastal states at that conference to work out such accommodations with the major maritime powers on the delicate jurisdictional issue of coastal states' rights of enforcement. The solution adopted of shared or "universal" jurisdiction - that is to say, enforcement by all parties to the Convention - augurs well for the success of the Law of the Sea Conference. Such a solution does no violence to the interests of any state. Such a solution is quite clearly based upon the common interest of all states in the preservation of the marine environment.

It is worth noting, for example, that the working group on the seabed regime has done much valuable work based on the clear precedent of the Declaration of Principles on the Seabed Beyond National Jurisdiction, and one may wonder how much further concrete progress can be achieved short of the highly intensive negotiating atmosphere which will prevail only at the Law of the Sea Conference. Understandably, states may be reluctant to make the crucial "trade-offs" on these questions until they are in the final and definitive negotiations. A working group on marine pollution has been established which, although it has as yet produced little concrete results, has the preparatory work of the Stockholm Conference to draw upon, including, in particular, the 23 principles on marine pollution endorsed by the Stockholm Conference and also the three coastal state jurisdiction principles referred to the Law of the Sea Conference by the Stockholm Conference for appropriate action, and now the Ocean Dumping Convention. It may reasonably be assumed that the comments from states requested by the Working Group will be extremely useful in translating the Stockholm principles on prevention of marine pollution into binding treaty form. The Canadian Delegation intends to table at an early date a comprehensive draft treaty on marine pollution which we hope will further contribute to the process of developing agreed rules of law on the preservation of the marine environment.

There are a number of proposals on fisheries which, while divergent on a number of issues, have in common one fundamental principle - namely, the need to manage and conserve the living resources of ocean space. On this issue, as with the seabed regime, final conclusions will almost certainly have to await the negotiating situation which will exist only in the Law of the Sea Conference. It is important to note, however, that a further





that a further encouraging trend for the future can be detected from recent decisions of ICNAF establishing quotas over several species of fish in the North Atlantic region, including even ground fish.

In examining the state of preparations for the Law of the Sea Conference, it is important to note also the many constructive contributions consisting of working papers on a variety of subjects. These working papers illustrate very clearly that preparations need not take the form only of draft treaty articles. The Canadian Delegation, for example, has itself proceeded over the last five years from a series of conceptual statements on various problem areas to a series of position statements on specific issues to the tabling of four concrete working papers on the seabed regime, fisheries conservation, scientific research principles and the preservation of the marine environment. Many other delegations have also submitted working papers on a variety of questions.

One is bound to note the lack of tangible progress on international straits and certain other issues, but even here there has been progress of a sort during the negotiations on the list of issues. Moreover, as I have previously suggested, imaginative approaches to the problems of coastal jurisdiction such as the combination of rather narrow territorial seas and more extensive economic zones may well produce solutions here where more traditional attitudes have failed.

I have referred to a number of encouraging trends but in so doing we accept that much remains to be done. A trend is not a draft convention. The way has been paved, however, for an attempt to draft concrete conventions. My delegation therefore shares the view expressed by so many others that there is no need to postpone the commencement of the Conference until we have completed draft articles on all the many issues requiring resolution.

To sum up, Mr. Chairman, the Canadian Delegation is neither discouraged about the state of our present preparedness for the Third Law of the Sea Conference nor pessimistic about the prospects for the Third Law of the Sea Conference. In these circumstances we are fully prepared to support the holding of two further sessions of the Seabed Committee in the spring and summer of 1973, the convening of the organizational session of the Law of the Sea Conference in the fall of 1973 and the commencement of the substantive work of the Conference early in 1974. We are pleased also to express our appreciation to the Governments of Chile and Austria for their offers to host the Conference, and we fully endorse the convening of the first session of the Conference in Chile, to be followed, if necessary, by a further session either in Chile or in Austria.

May I conclude, Mr. Chairman, by expressing also our warmest congratulations to the Chairman of the Seabed Committee and to the respective Chairmen of the three sub-committees, all of whom have laboured hard to make our work a success. We, for our part, will continue to cooperate to the utmost in seeking new solutions to problems both old and new, concerning the future Law of the Sea.





CANADA

Communiqué

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Press Release No. 28  
Friday, December 1st, 1972

Government  
Publication

Statement in the Sixth Committee  
on the subject of the Review of the  
Charter of the United Nations, by  
the Canadian Representative, Mr.  
Erik B. Wang.

CHECK AGAINST DELIVERY

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Communiqué de presse n° 28  
Vendredi le 1er décembre 1972

Déclaration devant la Sixième  
Commission sur la question de la  
révision de la Charte des Nations  
Unies par le représentant du Canada,  
M. Erik B. Wang.

VERIFIER AU MOMENT DU DISCOURS

**CANADIAN DELEGATION  
TO THE UNITED NATIONS**

**DELEGATION DU CANADA  
AUPRES DES NATIONS UNIES**





Mr. Chairman,

A central theme to be found in many of the comments of governments contained in the Secretary-General's report A/8746 and expressed by delegations in this Committee is the call for member nations to observe the obligations and responsibilities undertaken by each of us when we joined the United Nations Organization. This, too, was a central theme of the reply of my Government. We continue to be of the view that the effectiveness and vitality of the United Nations depend not so much upon changing the basic structure of the Organization or rewriting the Charter as upon the political resolve of member states to fulfil the obligations of the Charter. If the United Nations has not come to terms in ways we would want with disarmament, peacekeeping, colonialism, apartheid, and other problems, this situation is less a result of any weakness in the Charter than a lack of political will amongst its members. In our reply to the Secretary-General we stated:

"No documentary revision in itself can be a substitute for that will; nor can it be shown that where the will exists the present form of the Charter has frustrated it."

Since the Charter was drawn up 27 years ago the United Nations has undergone a significant evolution. Perhaps most remarkable of all, it has grown to two and a half times its original size, encompassing 132 countries. Though our countries have different political, economic, cultural and social traditions, we have come together in this international organization to reconcile divergent views and interests and to cooperate in areas of mutual benefit. The interpretation of the Charter has evolved with the growth of the Organization. The Charter has been flexible enough both to provide newer members with a vehicle for promoting their objectives and to accommodate to the changes since 1945 in the emphasis of interest of those states which were original members.

We believe that the Charter is well suited both for the purposes for which it was drafted and for what we can realistically expect from the Organization today. It has been a positive vehicle for action in the world community. The Secretary of State for External Affairs for Canada said in his statement in the General Debate on September 28, 1972:

"The successive challenges of the last generation have been met with only two changes in the Charter, to increase the membership of the Security Council and of the Economic and Social Council. Apart from this, we have built upon the Charter machinery, giving a living interpretation to the Charter itself. While it has been difficult in practice to secure the required degree of agreement



to amend the Charter, this does not seem to have prevented the United Nations from keeping up with the times. Canada is ready to look seriously at any specific proposals to amend the Charter or make it work better, if these have broad support among member states. But I am not convinced that a new charter that could be agreed upon now would be better than the Charter written in 1945."

The effective functioning of the United Nations is a matter of sustained interest and great importance to Canadians. Over the past year and earlier, through a period of comprehensive review of Canadian foreign policy, my Government has invited and heard the views of many Canadians on questions debated in these halls, including the question of review of the Charter. Some Canadians have expressed a sense of frustration felt from time to time in Canada at the difficulties experienced in this Organization in coming to grips with serious international problems. Our reply to Canadians who have written of the need to make the United Nations a more influential and active body has been based on this same premise, namely that more than anything else, the effectiveness of the United Nations is directly dependent on the political will of all members, especially the great powers.

As we have stated in our reply to the Secretary-General, we are prepared to give careful and serious consideration to all specific proposals for revision or more effective utilization of the Charter which might command broad support amongst the membership of the Organization. We acknowledge that certain textual modifications might be examined in a constructive spirit on a functional or case-by-case basis. But the Charter has proved to be a remarkably flexible and responsive document. An example of what can be done within the framework of the Charter is the work of the Special Committee of 31 which was established in 1970 in response to the urgent need to improve the procedures and organization of the General Assembly. The elaboration of Charter principles in the Friendly Relations Declaration is another example of flexibility in enabling the United Nations to keep pace with a changing world.

In considering its response to the Secretary-General's request for views, my Government examined with special care various suggestions which have been made from time to time in relation to the composition and voting procedures of the Security Council. The Canadian position is set out at greater length in our reply to the Secretary-General; I need only touch upon a few of the salient points. Canada does not believe that proposals which have been made to alter the method of voting in the Security Council are feasible or, in some cases, desirable.





Briefly, we are of the view that the veto reflects a political realism with which the Security Council must be guided if we are to avoid a risk of grave damage to the Organization itself which could result from a direct confrontation of irreconcilable political forces within the membership. Although we have carefully considered the many and differing views that other governments have presented on this question, we continue to believe that action taken by the Security Council must be based on what is possible in the world today.

In general terms, one can discern three different approaches in the past to the task of strengthening the effectiveness of the Charter and of the United Nations. At each General Assembly over the past 27 years we have witnessed and participated in each of these approaches with varying degrees of emphasis and varying degrees of success. The first has been the declaratory or hortatory approach by which we remind ourselves of our higher objectives and responsibilities as reflected in the Charter and in the changing aspirations of the international community. With rare exception, such as the Friendly Relations Declaration, the declaratory approach has probably had only a limited impact on the problems and objectives which it is designed to serve.

A second approach has been by periodic efforts to reform and adapt the procedures and structures of the General Assembly, the Security Council and other U.N. organs. Such reform and adaptation have been essential but again and again it has become clear that they can not in themselves provide solutions to political and substantive problems which stubbornly resist procedural or organizational treatment.

A third and in our view the most effective approach has been the persistent effort of seeking accommodation and progress day-to-day and year-to-year on the many specific issues facing the international community over many fields.

Some delegations have spoken here of the role which a special committee could play in sifting proposals for revision of the Charter or more effective functioning of the United Nations in an effort to identify those which might command particular interest or support. It would seem to my delegation that each session of the General Assembly provides in itself a natural process of sifting of proposals put forward by members over the range of our international concerns and preoccupations. Our agenda each year provides a rough image of those concerns and preoccupations. If we are to make progress as we have in the past, for example, in taking steps towards improving the environment, towards eliminating racism, towards lessening economic disparities and towards decolonialization we must continue to direct our efforts to practical and workable solutions. Even if such progress may at times be modest or painfully slow effective United Nations action on many problems must be in response to specific needs on a functional basis.





Against this background, Mr. Chairman, we are not persuaded that the establishment of a special committee to undertake a wide-ranging review of the Charter would contribute effectively at this time to our common efforts to strengthen the effectiveness of the Charter.











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